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The Statutory Language of Labor Dispute Disqualification in State Employment Security Laws
Willard A. Lewis

Reviews

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Thomas Hobbes and Contemporary Political Theory*

GEORGE E. G. CATLIN
London, England

Many of us were brought up in academic schools, where the examination system assumed that we would verbally acquaint ourselves with "gobbets" of the so-called "Classics of Political Theory." The writings of Hobbes, and especially his *Leviathan*, provided some of these "gobbets" of wisdom. I should be the first to emphasize the importance, for the physician, of having heard of the work of Galen. Elsewhere I have emphasized the importance, in political philosophy, of appreciating the continuity in our civilization of that norm of values which can be assessed from the grand tradition in culture, to which a Plato, an Erasmus, a Goethe did so much to contribute—although Hobbes himself, in it, was almost certainly a heretic. By a heretic I mean an idiosyncratic, whose philosophical proposals, on the whole, subsequent generations have conspired to reject.

However, I should deplore a situation in which the physician regarded it as his first task not to explore the potentialities of the sciences of physiology and medicine, but to concentrate upon these "great books" and sacred classics of the long distant past. Precisely the same remark applies to political theorists who, with misdirected scholarship, not only occupy their whole time in writing

* This paper was read before the American Political Science Association, New York City, Sept. 8, 1966.

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glosses or footnotes about the latest exhumed manuscripts of Locke or, for that matter, of Hobbes, but also display a cerain jealous exclusiveness against all innovating approaches. I do not advise contemporary political theorists, if they wish their discipline to rise to its vital heights, to be velveteen flunkeys of the past. The errors of these great past theorists are of no present importance. In some cases, however, their truths yet enter into the present theory of political science, including such useful hypotheses as today we can test experimentally.

In this field, not of materialist philosophy long outdistanced,[1] but of the fundamental hypotheses of political science, Hobbes, who specifically claimed to be, in his *De Cive*, one of the earliest founders of political science, is rich. Some indeed of our contemporary students of his work—such as Professor Brough Macpherson (who holds to the thesis that to study history is the highway to dating and exploding popular error), in his impressive and illuminating *The Political Theory of Possessive Individualism, Hobbes to Locke*—have held that Hobbes was, in significant respects, a Marxist born out of due time. If, it is alleged, we look not entirely at what Hobbes said, but at his self-contradictions and (to adapt a phrase of G. D. H. Cole's) "What Hobbes Really Meant," we shall grasp this. On the contrary, Peter Laslett, in *The World We Have Lost*, has sought to show, with the helpful quantitative aid of statistics, that this is not at all so; that even the Levellers only proposed to be on the level among themselves; and that the squires and their political outlook were well in control of seventeenth-century movements, alike of the Left and of the Right. It is Professor Macpherson himself who, in his *New Statesman* review of the book (March 4, 1966), has urged that this argument in turn is a mere rope of sand, highly suspect in proving anything.

It is not my purpose here to enter into these arguments of learned men of history. They will doubtless continue for many decades before anything definite—or, to use the modern word, definitive—is reached by way of conclusion. This is not the place to add to the *apparatus criticus* of Hobbesian studies from Tönnies to Lamprecht. Assuredly I do not despise political philosophy, although I think that Hobbes' contribution to it is small. My present concern is with

[1] However, in the most recent theories of the physicists, there has been a recrudescence of Hobbes' "cannon-ball" atomicism.

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contemporary political science, where Hobbes' contribution, still not fully assimilated, remains very great and very modern.

I should indeed flatly deny that my own work is merely any academic gloss upon his. In some respects, as I shall seek to show, he is guilty of gross and dangerous crudities. I hope contemporary pioneers in the field have much improved on Hobbes; we are better than Hobbes and, if we were not better, there would be no need to attend to us. But my purpose here is to stress a certain continuity—not in the philosophy of values, where he was wrong and, for example, St. Thomas much more solid, but in the political science of means, as it traces down from Aristotle and Machiavelli. Hobbes could boast that, had he "read as much as other men," he would "know no more than other men"; and we can do the same. Political theorists, before providing footnotes on Hobbes, should imitate him. But a little analysis of the chain of ideas will do no harm. I would add, in passing, that despite the work of pioneering genius of Bentley, Merriam, and Lasswell, we have here no "American Science of Politics," this nationalist term being totally irrelevant and derogatory in the republic of science. Hobbes assuredly was not "a tree that grew in Brooklyn."

Hobbes' philosophical materialism may have been unsound. His emphasis upon quantity in method is modern and sound. He was one of our earliest psychologists. Whatever his crudities, he anticipated the recognition that the axiomata of politics are rooted in psychology, so that indeed the immaturity, until quite recently, of any agreed psychology retarded the two thousand-year sweep of political science and left it lagging sadly behind a much later economic science. The political theory for which Britain was once famous languished and withered.

Above all, by lineage through the French Hedonists, Hobbes was the grandfather of Utilitarianism. The great Utilitarian School, from Bentham to Sidgwick, provided an intellectual atmosphere friendly to the development of political science, just as Bentham's *Book of Fallacies* made its contribution to contemporary linguistic analysis. The patent weaknesses of philosophical Utilitarianism were later exploded, and the school itself was dismissed, by the high-minded neo-Hegelians. These were, in their turn, deposed by the contemporary fashion of logical positivism and logical analysis, of which the hope sometimes seemed to be that they might supply the physical

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scientists with more intelligent understanding of their own methods than they have hitherto displayed. Unfortunately, to date the more eminent physicists have not displayed much gratitude for the proferred contribution. Indeed I sometimes feel that our contemporary philosophers do not discuss, with the followers of Duns Scotus, how many angels can dance on a point of a needle (an indubitably interesting exercise in defining the relations of the spatial and the non-spatial) because they are first preoccupied with exhaustive definition of a needle and even a tickle. The real tragedy was that, in rightly throwing out the Utilitarian dirty water (after which some so-called scientific humanists seem to hanker yet), the new-born babe of social science was discarded also, as too small for distinguished academic notice. Furthermore, from this date political philosophy and political science became hopelessly confounded, despite Sir Isaiah Berlin's shrewd comment that the sciences are usually the matricides of their respective philosophies.

Although I would hesitate to introduce the slogan "Return to the Utilitarians," as distinct from "Return to Aristotle," and basing political theory rather upon the control structure of society than upon the national and sovereign state—a vast advance in forty years—I would yet not object to recalling our debt to the former and to what these, in their turn, owe to Hobbes.

Also I always have a soft place in my affection for Thomas Hobbes because of his involvement, if more cautious than that of Marx, in the practical politics of his time, even if thereby, like the rest of us, he became *irritabile animal*, not slow in denunciation. His was no kid-gloved and lily-white academic approach. He neither was preoccupied with academic promotion nor did he find it. According to a respectable tradition he recommended to his pupil, Charles II, the foundation of the Royal Society; but academics, whose obscure names we should not recall except because of their conflict with him, saw to it that he was blackballed from membership in it. His experience, which gives substance to his theory, was founded upon the civil wars of England and France and the need for a sovereign government, even if authoritarian, to give lasting civic peace, just as our experience is founded upon two world wars, the latter atomic, and the need for a world government, even if it might be Caesarean, to preserve the race. Of course, we would like, along with pie in the sky, something more democratic and reason-

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able.[2] The question that is urgent for political scientists is whether we can get it.

However, bluntly, the central contribution of Hobbes to political science is his theory of power, more developed and sophisticated than that which we owe, implicitly, to Machiavelli. Nothing, incidentally, can be more topical in our atomic age than the role which Hobbes assigned to the political factor of terror. The old objection to using power as the clue hypothesis in political interpretation, as Marx used property, is that—perhaps like property in these managerial days—the term itself is ill-defined. It was Bishop Butler's objection—and, earlier, John Eachard's[3]—that according to Hobbes everything, even benevolence, could be reduced to some manifestation of the desire for power. This is, of course, the nemesis (as with Marx) of all unicausal explanations. A useful hypothesis, to give insight into phenomena, function, and social structure, should never, in any science, be taken unicausally.

I

Since 1924 (earlier studies in the German tradition apart, from Ratzenhofer to Wieser), the preoccupation with power—sometimes poorly defined—as the central theme has become almost routine. Among the latest studies have been not only that by the distinguished Professor Maurice Duverger, *The Idea of Politics; The Uses of Power in Society* (1964), but also the psychological one by R. V. Sampson, *The Psychology of Power* (1966), a British work which yet is defective, for example carrying no index reference to Adler, Rivers, Wallas, or Lasswell, although D. H. Lawrence is included. Unfortunately some of these studies of four decades do not advance far, in any logical or systematic (and, still less, experimental) fashion, beyond the original hypothesis. For example, the theory of the political market, which has recently been excellently developed by Talcott Parsons, Anthony Downs, Lindblom, and others, which rests for its consistency on power theory, and is critical for a developed political science, is yet not deduced by these writers. We rather have "stabs in the dark" and disconnected argu-

[2] See my vice-presidential address, "*Pax Mundi*," in the Section on Conflict, War and Peace, in *Proceedings of the World Academy of Art and Science* (being published by the University of Michigan Press).

[3] See G. Catlin, *Thomas Hobbes* (Oxford, 1922), 52.

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ments or, as with so fine a scholar as Dr. Arendt, a theme which makes central the Founding Fathers from Romulus and Remus—and why not Moses?—onward.

Recently, I have taken great and even tedious pains to explain what is to be meant by "power" and what is not: it is not "control," but it is the potentiality of actual and exercised control; and it is not "influence."[4] The comment was George Washington's that "government"—and, by implication, power—"is not influence." To identify these terms is to lead to confusion, theoretical and practical. Genius tends inherently to have influence, but it is more often mediocrity than genius which has power. Sir Winston Churchill, in his speeches at Fulton and Zurich, had immense influence; but, it was later demonstrated when he was prime minister that, for constitutional and party reasons, he had little power to implement his policies. I have always counseled those of my students who had practical political ambitions to make it their target to achieve the entree and hence to be competent to prepare memoranda, never exceeding two pages, which they can be confident will in fact be read by the president of the United States or by the premiers of Britain or Canada. It can be done. This indeed is influence. But it would be an illusion to call it power. The man of influence may be on the way to being the man of power. Influence can be a kind of reservoir from which power is often drawn. But many a man of influence, when he pretends to power, finds himself broken. The powerful man finds influence a marginal utility in winning further voting support.

I may perhaps here be permitted to make a digression which may seem trivial but is at least practical. At this moment in America, affluent endowments are being established for chairs of the humanities or maybe of civilization. I confess that I do not know what the precise academic discipline may be; but I suppose that, for example, so admirable and learned a man as Professor Arnold Toynbee would be a typical candidate, so that he might enable us to look into the future. Having elsewhere suggested that every school child at the age of fifteen should be compelled to study the *Analects* of Confucius, as basic to civilized morals, no one can well accuse me of not being a friend of the humanities. I have indeed urged that

[4] See my *Systematic Politics* (London and Toronto, 1962), Chap. 3.

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political theory, in its whole range from philosophy to quantitative science, provides an admirable buckle, in the university curriculum, between the two cultures of physical science and of the liberal arts, rightly or wrongly put into antithesis by Lord Snow. (In day-by-day educational practice I think that Lord Snow has made his case.) If, however, as I have suggested in my address to the World Academy, the importance for our society of analyzing the conditions of conflict and peace have, for our civilization, about the same priority as the Manhattan Project had for the physicists—or, constructively, rather more so—and if there is the least truth, worth exploration, in the power theory alternative to Marxism or to Rousseauite pieties, then, I submit, we might have some new affluent chairs, whose holders would be concerned to take political science seriously. The holders might conceivably be men of influence. I suggest, without diffidence, the endowment of such chairs instead of doing things as at present, with irrelevant puritan virtue, "on a shoe-string."

It would be, on the record, totally contrary to my intention to depreciate the valuable work of political philosophers, if indeed there be (as I think) any public philosophy; or the work of the historians and describers of institutions; or even of the students of comparative government and its data. To the last I would, as a practicing politician, give the warning that nothing can be more deadly for any legislative reform than to suggest that another country has been benefited by it. I recall one excellent plan on Second Chambers practiced by the Japanese; but, to introduce it elsewhere, it was essential to keep quite quiet about this frightening and alien origin. It would have been the kiss of death. What, however, I am saying is that for thirty years we had as our slogan, "Take political science seriously." Let us do it. For the American Political Science Association or the International Association it is now, at length, unnecessary to argue this truly Hobbesian thesis. At this stage in the debate we are entitled to repeat the challenging dictum of Freud: "We do not discuss, we expound." The doubts can be left to provincial backwaters such as the United Kingdom—although even there young men are coming on.

II

Hobbes is in process of being vindicated. This certainly does not mean that Hobbes was always right. His whole thesis of state

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sovereignty is largely *démodé* and dangerous, whatever M. de Gaulle may think—and this, thanks to the very logic of Hobbes' own argument that civil peace can only be maintained by an effective authority coextensive with the area of probable conflict. More fundamentally, his entire concept of power was, in one vital respect, merely wrong; and only recently have we put it right. Power is not only domination, even by contract—an "over-under" relationship. Cooperative control can also be firm, stable, effective. Admittedly we should not now go to the opposite extreme and assume that cooperation is some simple, rational panacea. Taken too cheaply, cooperation can simply spell "appeasement" or "knuckling under" to the strongest will among the partners. Recognized authority cannot be softened away. We need more sophistication here. Indeed we need more stress upon the opposite pole to the consumer demand for unrestricted freedom; we need more rational authority for the political producer.

The crux of the matter, as usual, is the utility of the hypothesis—the utility of the neo-Hobbesian concept of means. Marxism fails, for example, to explain the non-economic drive of nationalism except by sophistry and, as it were, by redundant epicycles. It has yet been massively influential (possibly because it is also a Johannine-Hegelian religion). Does our theory do better? War is the test experiment. It leads us to discard ideologies about ends as being the actual major and confronting problem. Let us beware in politics of rhetorical abstractions and attend to the practical problems of what does actually happen. This certainly does not mean that ends—"the good society" and the rest—don't matter. But men can rationalize their ends, including what they think of as justice. What they object to is others' unrecognized power over their means —the imposition of their doctrinaire and unwanted blueprints.

What requires exploration and full discussion is the fundamental theorem that men will always do that, costs being equal, which they perceive will increase their power. Every man has a natural inclination to feel that what he does with his power, and consequent freedom of action, like what he would do with more money, is an indisputably good thing. One form of power, of course, is security to do what men want to do. Can they get that increased security without paying too much for the commodity? Is there some fallacy

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in this argument? Exploration of this might keep our students busy for a while. Can we test it experimentally?

III

One of the most hopeful formulas for peace was that put forward between the wars, not least by E. H. Carr, a political theorist of greater weight than many. It was called "peaceful change." What it came to was that political adjustments would have to be made (this even before Hitler) to accommodate the renascent power of Germany. Today, for Germany, we might substitute China. When it came to the test the attractive formula broke down for two reasons: (1) some of the smaller countries, despite patent injustice in their own positions, having been on the erstwhile winning side, refused to play—for one, Rumania, of all places. The attractions of the collective good in terms of cost were not worthwhile. (2) Under Hitler German demands—which were on the verge of accommodation in the colonial field—became altogether exorbitantly costly. There was nobody for the moment competent to tell Hitler, with a bomb in one hand and the scales of justice in the other, where to get off. The French were petulant but weak, and the Poles weak but romantic. The British hedged, while the Americans preached how blessed was peace.

There are, of course, yet other formulas. There is the pacifist formula which I regret that I have not space to discuss adequately here. All change can be peaceful. There are only individual costs, which the good man pays. I have found, from personal discussion, that even in the case of Gandhi there can be some confusion between absolute moral objection to all wars and strong objection to a particular war. Historically, absolute pacifism has tended to connect with religious sects who hold that the good man should not involve himself in politics, in the *regnum civile*, which is not of grace; or it may even connect (although not today) with passive obedience. To all these, the dictum of my revered colleague, Carl Becker, that "all politics is power politics" is emotionally abhorrent. I would yet add that, if I do not agree with the pacifists who subject the virtue of justice unconditionally to that of charity, I not only regard their view as respectworthy but I regard them politically as a useful

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counterpoise to emotional militarists, chauvinists, and pernicious scientific "Strangeloves."

Far more objectionable and dangerous—and, if one cannot designate a scientific hypothesis as objectionable, here I shall allow myself political philosophy—is the anarchist formula. This tends to end in individual violence, today more dangerous than hitherto because it consorts so well with the excessive libertarianism which is presently fashionable and corroding in the West. It is not recognized that "freedom," save in some marginal and instinctive or biological sense, is morally quite neutral. It spells the desire "to have what I want because I want it"—or, as it is currently put, "to develop all my powers," including cutting up small children, if I am so impelled. The chief asset of communism, which is fundamentally aristocratic, is that its discipline at least avoids this error. The sailors of Kronstadt were merely shot.

The ideal formula for what Kant called "eternal peace" is world government. It proffers some prospect of offering to all more security; more proportionate power of a guaranteed order; no inordinate costs save in terms of archaic (if emotional) political formulas. This, however, is a "horizon ideal," totally impracticable until we reach (at minimum) a wide and firm Russo-American condominium, supplemented by atomic non-proliferation. It is not merely ironic to say—Dante said it—that what we need is the restoration of the Roman empire, although liberal reasonable men will hope for the chance of something more democratic. These reasonable men demand some kind of cooperation or "two-way" traffic. However, *intellectus non movet*. I am inclined to the belief that the best contemporary formula is the old one of "spheres of influence," which will satisfy the axiom that more power is given to those competent to exercise it, with some attractive measure of security to the rest, without excessive market cost. Its enemy will, of course, be, not local patriotism like the Scottish, but tribal or atavistic nationalism, encouraged by ambitious or vainglorious politicians. I would re-emphasize that this is the kind of theme whose alternatives senior political scientists should test in seminars.

Hobbes notoriously advocated "strong government." Here he was sometimes as sophistical as was Rousseau about the general will and the late Professor C. Wright Mills about "the people," which meant

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the kind of people who thought his way. Hobbes' views were not particularly acceptable to the succeeding Whigs, who yet in the end had learned enough from two civil wars and revolutions to give solid support to the Hanoverian establishment. What, then, we would seem to require, if we are sincere about giving peace—together with social justice and rights under natural law—a high priority, is in world terms a strong government, for the moment regional, and an establishment. The stiff necks of rebels have to be broken.

The political scientists to whom I have referred must, patently, be willing to bring the psychologists, as well as the historians and anthropologists, into consultation—and the experts on strategic power also. They should not forget the biologists. Recent research and experimental work on certain animals shows a recognized pecking order. Recent work on fish and rabbits is highly illuminating in considering what is naturally sound for other animals, such as the apes and ourselves. It is arrogance to be disdainful of any likely clues and an error to ignore the fruitfulness of interdisciplinary studies. However, most fascinating of all have been the studies of the "ritual fight" among some animals, in which the area of demanded control is made clear but actual physical battle is habitually avoided. This should, if "the accepted thing," not be beyond the capacity of our diplomats to achieve. The conclusion would seem to be that those who have the power should, for peace, assert it; but that they should not presume beyond such a realistic assessment of that power as can command assent. This was the basis of the *pax romana* and the *pax britannica;* and might be of the *pax americana* and *pax sovietica.* It has been the basic Russian assumption for the last three decades, although such men as Stalin in Berlin and Khrushchev in Cuba could go momentarily too far. Like the Dutch, their only fault was "giving too little and asking too much."

Objection to this hypothetical formula can come from the small countries—not exactly Monaco, but others. Small countries can object—not all of them indeed inspired by romantic ideals of total democratic self-determination (as in some counties of Ulster)—but especially from recently independent African countries. It is the duty of any major system of power to uphold law, and this with both justice and compassion. Countries with too small finances and,

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often, with too large population for their productivity have a common interest which has to be taken into full account, against exploitation, in any civilized order. Nevertheless, it behooves those with small power and small capacity for carrying responsibility to adjust their demands to these conditions. In Europe, a small but historic country, the Netherlands, has been prepared to go far in its declarations of readiness to cede, for the general good, no small measure of Dutch sovereignty. The example commends itself for wide imitation.

I am not prepared here to discuss—and it would carry us far wide of the subject of this paper—the appropriate spheres of influence in Asia and Africa. I am clear that the Atlantic sphere, under the chairmanship of Washington, includes France. On this, it will be well to call to mind with admiration the policy of the Cardinal de Richelieu who, for *raison d'état*, dealt without ruth with provincial dissent in building civil peace. The replacement of the policy of interdependence by that of local sovereignty is reactionary, atavistic, dangerous, and intolerable. Its conclusion would be, once again, the international anarchy.

IV

It may be held that I have strayed from the discussion of Hobbes. I do not think so. In that philosopher's prescription (which was also his preoccupation) for peace, his central dictum was: "If two men ride upon an horse, one must ride in front." It is not my belief that the President of the United States and M. de Gaulle can both ride in front upon the same horse. One must fall off. One should fall off.

It may, again, be said that these are not matters of academic politics but of practical policy. Again I do not agree. The two—and here Marx was right—cannot be divorced. I do not believe in a eunuch political theory. Political philosophy sets us, in my view, a proximate goal of high priority: stable peace. Political science has to inquire, bearing in mind the profound work of some who went before, what are the possible means to that agreed objective. I have already referred to the WAAS conference, which decided to pursue research studies in the fields of conflict, peace, and war, in collaboration with existing institutes. There is now a Truman Foundation, concerned with this topic, which will work in conjunction with the

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University of Jerusalem. It is at least highly probable that the Gandhi Centenary Memorial may take some similar shape. So far as political science is concerned, it is to be hoped that all these various projects may be systematically linked up.

I, further, do not believe that serious political scientists can make no effective contribution to statesmanship. My own views on this subject are fallible indeed, but clear and on the record. It is my hope that the great professional associations will take this urgent issue under advisement; will perhaps contribute with others to setting up a joint committee for the study of conflict and peace; will press for the establishment of seminars or, it may be, chairs on this subject; and above all, by whatever means, will come up with certain concrete conclusions, with all their academic weight behind them, before, as heretofore in 1939, the night cometh. This issue has been the prime preoccupation of applied political theory since 1914, just as the comparable problem of local civil peace preoccupied Thomas Hobbes in the middle of the disturbed seventeeth century. Do not let us admit defeat now.

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Nuclear Proliferation and American Policy*

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The British and French decisions to develop their own nuclear weapons can be used to illustrate several different propositions. The economic and political difficulties which both countries have encountered might serve as an illustration of the futility of independent deterrents, at least when the deterrent is designed to influence either superpower.[1] They might also serve as a more general indication of the need for wider and more integrated security arrangements. Conversely, an analysis cast in terms of British and French priorities, rather than American or NATO priorities, might illustrate the degree to which the creation of an independent deterrent, whatever its immediate costs, is a wise policy, if only as a form of insurance against a contingent future.[2]

* I should like to thank the following friends and colleagues for their very helpful and incisive comments: Professor William T. R. Fox, Professor Warner R. Schilling, Dr. Annette B. Fox, and Barbara Rearden of Columbia University; Professors George Liska, Robert E. Osgood, and Robert W. Tucker of The Johns Hopkins University; and Paul Y. Hammond of the RAND Corporation. I am, of course, responsible for any errors of fact or judgment which may occur. This essay is a shortened and altered version of an "Occasional Paper" published by the Institute of War and Peace Studies and the School of International Affairs of Columbia University.

[1] For example, see H. A. De Weerd, "The British Effort to Secure an Independent Deterrent, 1952-1962," in R. N. Rosecrance (ed.), *The Dispersion of Nuclear Weapons* (New York, 1964), 100 and *passim*.

[2] For an imaginative and important effort to point out some of the virtues of the European strategic position—from their point of view—see Hedley Bull,

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There is, however, another sense in which the British and French experiences are illuminating. If we tend to plan for the future by means of a projection based on a selective culling of past experiences—selective in terms of what we presume will remain relevant in that experience—the British and French decisions to develop an independent nuclear capability also constitute the most valuable available body of material for any practical study of nuclear proliferation. The fact that the British and French experiences appear unique may not be as significant as the fact that they are really the only cases which a prospective nuclear power can examine. That examination will undoubtedly be highly selective, centering on a quest for points of salience and affinity which appear relevant for any state studying the possibility of developing its own nuclear weapons. Thus the next few pages will examine the British and French cases in a peculiar fashion, with the intention of isolating certain factors which might appear to be salient and significant enough to impress a potential nuclear power.

Interpreting the British and French Experiences

The British and French decisions were conditioned by something which might be called the "Great Power syndrome." In traditional terms, a Great Power was a state which could insure its own security against all comers. But being a Great Power involved something more. A Great Power was also distinguished from its inferiors by a set of tangible and psychological appreciations which affected its perception of what constituted "normal" behavior. It took hardly any reflection, but rather simply a reflex response, for a Great Power to seek any weapon which its peers had obtained; thus even Austria-Hungary built dreadnoughts. Prestige ("grandeur") and status demanded it, even if the security function of the weapon was uncertain.

That the British were affected by this "syndrome" after 1945 has often been indicated.[3] But it is worthwhile to point out that the French were equally affected—and long before de Gaulle re-

"Strategy and the Atlantic Alliance: A Critique of United States Doctrine" (Policy Memorandum No. 29, Center of International Studies, Princeton University, Princeton, 1964).

[3] See Alfred Goldberg, "The Atomic Origins of the British Nuclear Deterrent," *International Affairs*, XL (1964), 427.

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turned to power in 1958. For example, Pierre André, a right-wing deputy, argued in 1954 that without nuclear weapons France would be nothing more than "an ally of the second rank."[4] And a study of the attitudes of the French Parliament and government toward nuclear weapons indicated that the French leaders in 1954-55 were reassured by the fact that a "sense of normal order" prevailed; the United States, the Soviet Union, and Britain had the bomb, and it was thus "normal" for France to get it next.[5]

The "Great Power syndrome" involves something beyond the necessity of enhancing prestige and status by all available means. It also involves, perhaps more significantly, the assumption that buying insurance against contingent futures is a normal part of the policy-making process. Thus one study of the French decision contends that the necessity of providing for "unforeseeable eventualities" was the critical factor in seeking an independent capability.[6] And the British fear that the United States deterrent might not hit certain targets which London felt were important has been a constant theme from Churchill to Gaitskell. In effect, too much dependence meant too little flexibility in meeting future threats. To illustrate, Macmillan argued in 1955 that relinquishing the Bomber Command "deprives us of any influence over the selection of targets, and the use of our vital striking forces," and Gaitskell argued in 1960 that "the real case for our having our own independent nuclear weapons is fear of excessive dependence upon the United States . . . [which] might force upon us policies with which we did not agree. . . ."[7]

If it is indeed true that the preceding factors are salient enough to attract the attention of any state considering a nuclear future, can we speculate on the impact they might have? It must be emphasized that the point at issue does not concern whether small powers also seek prestige and status—they obviously do—or whether they also worry about the future—to some degree, they

[4] Quoted in George Kelly, "The Political Background of the French A-Bomb," *Orbis*, IV (1960), 293; see also C. E. Zoppo, "France as a Nuclear Power" (The RAND Corporation, P-2485, Santa Monica, April 1962).

[5] Christian de la Malene and Constantin Melnik, "Attitudes of the French Parliament and Government Toward Atomic Weapons" (The RAND Corporation, RM-2170-BC, Santa Monica, May 14, 1958), 14.

[6] C. E. Zoppo, "France as a Nuclear Power," in Rosecrance, 115 ff.

[7] Both quotations are from Richard Gott, "The Evolution of the Independent British Deterrent," *International Affairs*, XXXIX (1963), 243, 248.

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must. Rather the question is whether Great Britain or France has actually achieved either of these goals by virtue of its nuclear capability, or enough so to impress a potential nuclear power.

No definitive answer is possible, and that may be just the point. Surely the possibility that the two Great Powers will enhance their position in world affairs by possessing an independent deterrent remains open. In fact, it is difficult to refute the contention that they already have done so. Thus, a state intent on achieving similar kinds of goals will hardly be inhibited by the historical record.

Now, it is true that though a small power and a Great Power can seek the same kinds of general goals, the scale is considerably different. The "unforeseeable eventualities" which may confront a Great Power are not any more intrinsically significant than those likely to confront a small power, but they surely may be more extensive. De Gaulle, for example, worried about world-wide commitments which required a strategic posture of the first rank.[8] The small power's fears involve threats which are more immediate in time and more local, but survival can be at stake in either case. The argument, therefore, cannot be read in the following manner: Great Powers develop nuclear weapons as a response to extensive threats; small powers face less extensive threats, and thus will not require nuclear weapons. The point is that the definition of "extensive" shifts as we alter our perspective. We may presume a certain comparability in motivation here, and a willingness to read the British and French experiences in a manner justifying acquisition of nuclear weapons. The same argument holds, in general, if we examine the question of prestige and status. Despite differences in degree, the British and French experiences appear relevant and lead to the same conclusion.

It is perhaps worth emphasizing that it is at this point that theory and practice most clearly intersect—and conflict. The sharp theoretical distinction between Great Powers, who seek "grandeur" by nature and by necessity, and small powers, who desire "grandeur" but must rest content with survival, breaks down before the obvious fact that in practice the difference is one of degree rather than kind. If nuclear weapons yield substantial benefits in terms of status and prestige, it is true, though not equally true, for both groups of states. The qualification may, however, be significant

[8] Zoppo, RAND Corporation, P-2485, 1-3.

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enough to justify a limited degree of optimism. Nuclear weapons are not an *intrinsic* necessity for small powers (a factor which tends to re-establish the theoretical dichotomy), since their more limited quest for prestige may be satisfied short of procuring all the accoutrements of Great Power status. As long as diffusion does not become widespread, substitute gratifications are at least conceivable, though not likely.

A second aspect of the French and British decisions which stands out concerns their essentially political and non-strategic nature. Neither country developed a national strategy which clearly indicated the need for nuclear weapons, and then set out on a development program. On the contrary, they developed nuclear weapons and *then* sought a strategy which would justify their acquisition.

The British, as Rosecrance indicates, never examined the premises underlying their decision.[9] In some sense, of course, the environmental context in which the original decision was made explains the failure to analyze advantages and disadvantages in a coherent fashion. The extent to which atomic weapons were revolutionary was not clearly perceived, nor was their impact on Britain's defensibility. In addition, the decision was made although no enemy against which the bomb might be used was in sight, and without any clear appreciation of the likelihood or need for an American strategic umbrella. In sum, none of the liabilities and costs of becoming a nuclear power, with which we are so familiar, was recognized (in terms of vulnerability, delivery problems, costs, and so forth).[10]

The original British decision to build a bomb is, therefore, of less interest than either London's later experiences in living with the effects of that decision or the French experiences in developing a nuclear arsenal in a more relevant strategic environment. The context in which the British made the decision is simply unique. No other state will be able to become a nuclear power without at least recognizing the existence of a range of problems which the British ignored. The fact that the British merely continued a nuclear program which had begun during the war is also significant. It took considerably less effort, intellectually and technologically,

[9] Rosecrance, "British Incentives to Become a Nuclear Power," in Rosecrance, 58-62.

[10] *Ibid.*

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to proceed with that program than it would have taken to create an entirely new program. Also, that program was already oriented toward military ends. The extent to which this experience is relevant for other states may depend on their progress in presumably peaceful nuclear research: on how close they are to the point where producing a bomb is one simple step forward, and not producing it necessitates a major and formal decision.

Though the French showed very little public concern with nuclear weapons before 1955, their decision was made within a context of increasing self-consciousness about the significance of nuclear weapons.[11] Even so, it was a political decision, unmotivated by strategic considerations.[12] More precisely, it was a decision which took shape soon after the defeat in Indochina,[13] and within an environment in which the French seemed to be increasingly isolated diplomatically.[14] The degree to which the decision, at least in part, reflected bitterness about a lack of support by its primary allies is also of interest:

> The Parliament members gradually acquired the conviction that American policy in North Africa and the Near East was pursuing objectives that were entirely different from, not to say opposite to, those of France. This explains why, little by little, French possession of atomic weapons came to be regarded almost as an anti-American measure, rather than as a measure of deterrence.[15]

Thus France's nuclear-mindedness grew in direct proportion to the extent to which it felt frustrated in achieving its own ends and abandoned by its allies.[16]

Still, the French—who had become increasingly aware of some

[11] See de la Malene and Melnik, 1-10.

[12] "There is no doubt that the motive of the trend toward nuclear armament in France has been, not 'to produce a modern and powerful army,' but 'to make France politically respected,' to enable France to carry on an independent policy.' " *Ibid.*, 67; see also Wolf Mendl, "The Background of French Nuclear Policy," *International Affairs*, XLI (1965), 22-36.

[13] See Kelly, 303.

[14] de la Malene and Melnik, 32-33.

[15] *Ibid.*

[16] A very recent major study of the French experience notes: "Not only could she not act effectively on her own, as the Suez incident in 1956 so dramatically demonstrated, but she also seemed incapable of exercising any degree of influence on her allies." Lawrence Scheinman, *Atomic Energy Policy in France Under the Fourth Republic* (Princeton, 1965), xxii. Mr. Scheinman emphasizes the impact of external factors in several places, for example: xvii, xxiii-iv, 186 ff.

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of the liabilities of seeking an independent nuclear deterrent—might have held back had it not been for the effect of the "Great Power syndrome," which seemed to justify the acquisition of nuclear weapons as "natural," and a growing awareness of certain other considerations:

> The fear of the responsibilities involved in the creation of an arsenal has tended to diminish with the growing recognition that (1) atomic armament is the low-price armament of the weak; (2) atomic armament is the only possible means of deterrence and a means adaptable to the scale of the country in question; and (3) for lack of atomic armament the defense of French interests in the world is becoming very difficult.[17]

The first consideration may very well influence all potential nuclear powers; the second will undoubtedly grow in attractiveness; and only the third seems relevant solely for Great Powers (West Germany, for example).

There is nothing in either the British or French decision which justifies optimism about the possibility of preventing nuclear proliferation. Neither a description of the potential dangers of diffusion nor a discussion of the presumed costs and liabilities of becoming a nuclear power are sufficient, by themselves, to induce nuclear abstention. Proliferation only appears dangerous when produced by *other* states; costs and liabilities yield to the vision of potential benefits. It is not merely that the British and French decisions were reflexive and "thoughtless," and that they were not narrowly rational when judged by some set of military criteria but rather reflected political frustrations. It is also that those decisions have not led to disaster and may yet prove wise and provident.

It may also be relevant to point out that the democratic political structure of Great Britain and France did not in the least inhibit the decision to develop a bomb. In both countries, public concern and political debate were limited and governments (or even strategically placed non-governmental groups)—Left, Right, and Center—were able to do as they pleased. As Mr. Scheinman notes, "Indeed, one of the most singular features of atomic policy in the Fourth Republic was the almost total lack of parliamentary discussions of the implications of atomic power for France in either a peaceful or military context."[18]

[17] de la Malene and Melnik, 63-64.
[18] Scheinman, xv.

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The lack of public debate is not surprising. We have become aware of the extent to which complex military decisions are primarily executive in nature. But two further points are clearly worth emphasizing. The first concerns the fact that nuclear policy in France, and only to a much lesser degree in Britain, was developed and determined by a small and essentially extra-constitutional group:

> The action of responsible political leadership was the last in a long chain of events. . . . Guidance and direction for nuclear policy came not from the French Government or the French Parliament, but from a small, dedicated group of administrator-technocrats, politicians and military officers whose activities centered on and emanated from the C.E.A.[19]

The second point concerns the fact that, even when discussed and debated, each specific decision appeared to be nothing more than a limited and logical extension of an ongoing program. Thus it is difficult to isolate an early date on which a major decision to become a nuclear power was made. Rather, we find a series of discrete steps leading to the same end.[20]

Certain inferences may be drawn from these points. In the large, it is unlikely that the political structure of any other country will be any more effective in inhibiting a government which has decided to take the plunge. Moreover, the fact that the decision can be taken and implemented secretly, and by a small group of people, at least ought to qualify whatever optimism exists about the possibility of knowing what a country engaged in nuclear research has in mind. Finally, the nature of the process—discrete steps rather than a single, specific decision—illuminates the danger of freely passing out information about the peaceful uses of nuclear energy. We may simply be advancing the point at which the decision to become a nuclear power is not merely technologically easier but also politically and psychologically inevitable.

It should, of course, be re-emphasized that the British and French experiences cannot be taken literally. The specific kinds of concessions which the British and French might get, or the scope of the threats they might have to face, are very different from those confronting the remaining non-nuclear states (except for West Germany and perhaps Japan). The available experiences are relevant

[19] *Ibid.*, 214-15.
[20] *Ibid.*, 94-95.

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only in the very general sense that they indicate something about the factors which might influence potential nuclear states, and in the more limited sense that examination reveals that it is possible to "read" them in a way which suggests that becoming a nuclear power is not wholly disadvantageous.

Emerging Prospects: The Nuclear Debate in India

Examined solely in terms of military security, analysis suggests that, on the margin, the utility of nuclear weapons for the remaining non-nuclear powers is not likely to be high. But when we add political and psychological factors to the analysis, the calculus of utility has to be adjusted. In an atmosphere of great uncertainty, buying nuclear weapons, or taking out the option of doing so, looks increasingly attractive. And in so far as the British and French experiences are relevant, they are more likely to reinforce than inhibit an incipient desire to become a nuclear power.

The acquisition of a nuclear capability by China, as well as its aggressive behavior, has forced India to reappraise its nuclear policy. A brief examination of some aspects of that reappraisal may be illuminating, particularly if India is indeed a "threshold" country in respect of the proliferation problem. The Indian case may not, of course, be any more generally relevant than the cases of Great Britain and France. However, something very near the opposite may well be true. The Indian arguments and the Indian decision may be examined carefully by many states, because India is neither a Great Power nor an aligned state. And, in any event, the Indian case provides an interesting contrast with the previous discussion of the French and British cases.

The Chinese bomb was bound to create some movement in India's position, but the degree of movement suggested varied widely. For example, R. K. Nehru, India's delegate to a number of disarmament conferences, argued for a policy of minimal adjustment. He advocated continued nuclear abstention, supplemented by some sort of guarantee against a nuclear threat:

> Well, the United States has made a general statement that its assistance will be available to any country which is threatened by nuclear attack. That is good enough. It is not necessary to go further and ask

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> for a formal declaration that the United States shall protect us, because that means a deviation from our basic policy of non-alignment.[21]

The ultimate, and most satisfactory, solution according to Mr. Nehru would be a "collective guarantee." In the interim, President Johnson's "general statement" would have to suffice. Mr. Nehru's position had one very obvious appeal: India would not have to do anything that she was not doing already.

M. R. Masani, a right-wing member of Parliament, adopted a minimal position toward favoring nuclear abstention, but his position on the matter of an outside guarantee was extreme. He wanted a United States (or United States-Soviet) promise to launch a first-strike "if any one threatens to drop a bomb on one of these [non-nuclear] countries. . . ."[22] He did not examine the credibility of the aforesaid guarantee nor the probability that it would actually be offered.

In any event, whatever their difficulties, the positions of Mr. Nehru and Mr. Masani share a desire to avoid the dangers of nuclear abstention by virtue of some kind of outside guarantee. It is not altogether unlikely that similar responses will occur amongst other non-nuclear states when confronted by a nuclear threat (or perhaps even a very superior conventional threat). Thus the possibility or probability that a guarantee will actually inhibit the process of nuclear dispersion is worth examining, although any examination is bound to be tentative and ambiguous. After all, if the United States opts for a policy designed to prevent (rather than control) proliferation, it appears inevitable that one aspect of that policy will be a series of guarantees to states faced with a nuclear threat. Before turning to that examination at least one other Indian suggestion ought to be discussed.

Raj Krishna, a government economist, argued that a strategic deterrent was beyond India's means, but that she could afford a *tactical* nuclear force. The latter, *interalia*, would presumably create a local balance of power and would also counter Chinese nuclear blackmail. The sense in which he was using the term "tactical"

[21] R. K. Nehru, "The Challenge of the Chinese Bomb," *India Quarterly*, XXI (1965), 10-11.

[22] M. R. Masani, "The Challenge of the Chinese Bomb—II," *India Quarterly*, XXI (1965), 23.

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was not perfectly clear. Apparently he had in mind a small nuclear force which would be capable of deterring a large-scale Chinese conventional and/or limited nuclear attack, and perhaps also forestalling nuclear blackmail. To handle a strategic threat, however, India would have to rely on Western nuclear forces:

> The only real choice, therefore, is that the West, including Russia, provides strategic, long-range cover which it alone can do, and we provide tactical, short-range capability which we can and must have to match similar capability on the Chinese side . . . the burden of deterrence on land, the burden of defense against tactical and short-range atomic warfare on land and in the air must be regionalized as soon as possible.[23]

What Krishna wanted, thus, is "a division of labor in deterrence" which, he assumed, would avoid the dangers of "linking total escalation with every limited engagement."[24] A tactical nuclear capability which would match the Chinese capability was within India's means. However, technical aid would facilitate its creation and might also provide a small stockpile of weapons and an aircraft delivery system.[25]

Mr. Krishna's plan contains several ambiguities and disadvantages. The economic costs, while lower than those involved in a full-scale effort to develop an independent deterrent, would still be high. In addition, the moral and psychological costs of India's decision to become a nuclear power—even if we grant the presumption that there is a substantive distinction between strategic and tactical weapons—might be even higher. Finally, the assumption that the West would be willing to extend a strategic guarantee to India involves two problems. If granted, it might not be very credible; and the likelihood of its being given at all might decline if India possesses a tactical nuclear force which gives it the possibility of escalating a local conflict into a general war. If we are to offer nuclear guarantees, it is not inconceivable that we would prefer to do it under conditions where we control *all* nuclear reponses.

Nevertheless, the idea is not without value, particularly if we want

[23] Raj Krishna, "India and the Bomb," *India Quarterly*, XXI (1965), 127-28.
[24] *Ibid.*, 128.
[25] *Ibid.*

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to concentrate on controlling the process of proliferation. If nuclear weapons are going to be diffused, a case can be made for trying to channel that diffusion in a tactical direction. It would not eliminate the dangers of proliferation, but it would offer some possibility of ameliorating or limiting them. And a tactical force in the hands of a local power might have a relatively high level of credibility. The degree of credibility will depend on the existence of a *strategic* guarantee as well as on the nature of the nuclear forces which the potential aggressor possesses.

A policy of extending nuclear guarantees to states which promise not to develop their own nuclear weapons can ultimately work only as part of a larger policy whose purpose is to prevent any proliferation at all. A policy which only attempted to control the spread would undermine the attractiveness or credibility of our guarantee. As more and more states developed nuclear weapons, the willingness to do without them, and gamble on the word of a protector facing even more dangerous threats, will decline. We face an unhappy choice. Can we prevent, substantially, at any rate, dispersion by guarantee? Or should we concentrate on directing proliferation into less dangerous channels (by aiding in the creation of invulnerable and/or tactical forces, by cutting economic losses via technical aid, and the like)? The choices are not as stark as my question suggests, but as an analytical device it at least illuminates a distinction which has to be kept in mind.[26]

It is too soon to predict the course that India will actually follow. Yet the fact that a debate has begun which at a minimum questions the wisdom of the "no bomb under any circumstances" policy may be important, for it reveals the very weak hold the "no bomb" policy actually has. It is unlikely to last much beyond the point where external threat and internal capability to produce a bomb at an acceptable cost intersect. As noted earlier, one hope of avoiding this outcome rests on the potential ability of a policy of guarantees to serve as a satisfactory substitute for an independent nuclear capability.

[26] For a much more extended discussion of the Indian case, particularly of the ways in which it differs from the British and French cases, see my essay, "On Nuclear Proliferation" (a pamphlet obtainable from the School of International Affairs, Columbia University).

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Emerging Prospects: The Credibility of Nuclear Guarantees

The decisive factor may very well be the degree to which we can make any guarantee that we offer credible—to ourselves, to the recipient, and to a potential aggressor. The guarantees which have been discussed thus far are too ambiguous to satisfy any threatened state since the commitment of support remains uncertain. Thus President Johnson's statement, shortly after the Chinese explosion, merely declared that: "Nations that do not seek nuclear weapons can be sure that, if they need United States' support against the threat of nuclear blackmail, they will have it."[27] But what kind of support, and under what circumstances? If our commitment to our NATO allies is uncertain, how can we possibly assume that a commitment which will undoubtedly be drawn in an even looser fashion, and granted to states with fewer historical ties to ourselves, will possess sufficient credibility? Even if we honored it in the breach, its primary purpose would have been destroyed.

An alternative suggestion is to offer a guarantee "sweetened" with peripheral benefits. Representative Chet Holifield's (Democrat, California) recent proposal is an illustration:

> The United States should explore, together with other nuclear nations, the possibility of arrangements whereby all nations who agree to not develop their own independent nuclear weapon capability will be guaranteed assistance in the event of a nuclear attack by others.
>
> In addition, the United States could make a particular effort to furnish economic and social aid to those nations who are willing to deny themselves independent nuclear capability. . . .[28]

However, it is surely more likely that a state that does not intend to build its own nuclear forces, because it does not feel threatened, will find the offer of economic and social aid more attractive than will a state actually confronting a nuclear threat. Peripheral offers of aid can be attractive only to states that feel their chances of survival, and, thus, the likelihood of their using the aid, to be reasonably high.[29]

[27] New York *Times*, Oct. 19, 1964.

[28] Baltimore *Sun*, Nov. 16, 1965.

[29] For a recent effort to deal with the problem of nuclear guarantees, see Mason Willrich, "Guarantees to Non-Nuclear Nations," *Foreign Affairs*, XLIV (1966), 683-92.

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An attempt to gain some insight into the problem of guarantees by examining the historical record yields few significant insights. It is very difficult to go much beyond the generality that the credibility of our guarantee is likely to go up in proportion to the degree that we accept more and closer ties on all levels. But in a nuclear age where the guarantor may be making a promise which endangers his own survival, even extensive integration may not be very credible (and, conversely, very little integration *might* be just credible because the costs of miscalculation are so high).

In any event, the proposition that our guarantee must be supplemented by extensive military and economic aid seems sound enough to constitute a valid starting point. But practical difficulties abound: What kind of aid ought we to give, and for what purpose? The question is particularly acute in military terms. Military aid must simultaneously convince the recipient and the target that our promises are sincere and yet be non-provocative and a contribution to felt security needs. The relationship between conventional strength and the credibility of our guarantee is significant here. We promise support against a nuclear threat, but we do not want that promise to be challenged, nor do we want the recipient to be confronted by so overwhelming a conventional threat that it has no choice but to seek its own nuclear weapons (or demand that we use ours). Whatever stability the nuclear guarantee imparts may be undermined by the spiraling effects of serious conventional inferiority. Thus India's conventional weaknesses against China may ultimately be even more dangerous than its nuclear weakness. At the very least, it may create renewed demands to invest in nuclear hardware.[30] The point is that the military aid we give (or economic aid which releases funds for military purposes) must be designed to maintain a conventional balance. The nuclear umbrella does not cover us against all storms, nor even against the most likely ones.

However, even a political commitment and extensive aid may not provide sufficient credibility. It may actually be necessary to station some portion of the nuclear forces which we promise to use *within* the boundaries of the state which we are guaranteeing. West

[30] Thus one commentator has noted the dangerous effects of the proliferation of conventional weapons: "Yet in at least two big confrontations, between India and Pakistan and between Israel and her Arab neighbors, this has directly influenced consideration of national nuclear weapons." Alastair Buchan, "Arms Nobody Wants to Control," *The New Republic*, Nov. 6, 1965, p. 17.

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German fears whenever we have appeared to withdraw some of our troops from Europe may provide an illuminating analogy. An American presence, complete with missiles and/or planes, would undoubtedly have a very salutary effect, particularly in psychological terms, on the credibility problem. The weapons, of course, would still remain under our control (the more securely the better, especially from the point of view of the enemy), although some dual-key arrangement might be possible, and they would—presumably—be sufficiently protected against a first-strike attack. Whether the weapons would be used against both a nuclear and a conventional attack is uncertain. If conventional inferiority is great, they may very well have to be so used (or promised).

A guarantee implemented in the foregoing manner may have some chance of success, more so than one limited to a political statement without an actual military presence. That it has many problems can hardly be in dispute. Some countries may not accept a United States presence for fear of loss of prestige or status amongst the nonaligned or for fear of an adverse domestic reaction. It may be acceptable only to a country which confronts a serious threat, recognizes its existence, and is unified enough to accept the costs of a foreign military presence. Not many countries will qualify. More significantly, having thought about it, we ourselves may not want to accept the costs and liabilities of so extensive a commitment. We may increase the chances of nuclear war; we may become hostages to the host country, forced to support it against our own intentions; the nuclear forces may be subject to sudden attack and use by our hosts, perhaps initiating a war; and, finally, the domestic difficulties of operating such a policy may be extensive. In sum, we may lose flexibility and increase the chances of accidental or miscalculated wars. But the proliferation of independent nuclear deterrents may have effects which are even more pernicious. Therefore, if the assumption that an effective guarantee requires an actual presence holds, we face a very difficult decision. But the other alternatives may be even more unpalatable.

Guarantees do no more than increase the probability of future support. They do not make that support certain. Under the circumstances, if a state feels threatened, and if it has the technical means to do something about it, the guarantee can only have an interim significance until it can build its own nuclear capability. The guar-

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antee, in effect, would become a device to control or ameliorate the worst features of a process of (inevitably) asymmetric diffusion. But it might not be effective enough; and the end result could be an arms race in primitive nuclear weapons.

Perhaps we could add some degree of stability to the situation by offering guarantees which included a specific promise to *give* an equivalent (or substantial) nuclear force to a country suddenly threatened by a nuclear power. The guaranteed state, *if it believed we would fulfill our promise*, would not have to develop its own nuclear forces, and it could (in theory anyway) concentrate on improving its conventional forces. More critically, the promise might inhibit the whole process of proliferation. Any state intent on developing its own nuclear forces—for security, prestige, to steal a march on its enemies, or whatever—would presumably be extremely reluctant to do so if it knew that its competitor would simultaneously receive a nuclear force of its own, and a more effective one at no cost. Professor Liska has suggested that, while many of the non-nuclear powers are reluctant to develop nuclear weapons first (though the point remains in doubt until more of them are rejecting a *real* option), all of them want to be "assured seconds."[31] Our promise might provide that assurance. It might succeed in deterring certain non-nuclear powers from "going" nuclear. Moreover, if compelled by circumstances to honor our commitment, its implementation might eliminate some of the dangers implicit in asymmetric diffusion. Finally, it ought not to be overlooked that the nuclear weapons which we might give to a threatened state could be less destabilizing than the weapons which it could build on its own. The latter point assumes that we give a limited number of relatively invulnerable weapons which are as defensive in character as possible.

As a policy, the preceding propositions suggest several problems. For one thing, they accept the necessity *in certain circumstances* of *deliberately* proliferating nuclear weapons as the lesser of several evils. It would, therefore, be necessary to create a political climate in which a policy as dangerous as the one suggested could be accepted and understood. It is also obviously not altogether

[31] George Liska, "Problems of United States Defense Policy in a World of Nuclear Proliferation" (Mershon National Security Program, Ohio State University, Columbus, 1965), 95-96.

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clear whether such a policy would be wiser than doing nothing and leaving the threatened state to its own devices (or to some other source of support). A good deal would depend on idiosyncratic factors which cannot be specified beforehand. Assumptions about the intentions of the potential nuclear aggressor would be significant. The condition of the total military relationship between the two states would also be important. Nuclear superiority which bolsters an already existing conventional superiority may be more destabilizing than nuclear superiority and conventional equilibrium (the first might compel outside nuclear support for the weaker state; the second might not). The extent and pace of proliferation in the preceding years would also be significant. In a world in which several more states already have nuclear weapons, and in which the cost of procurement is declining, the necessity of giving nuclear weapons to various states might rise.

It may very well be that the foregoing remarks imply that the policy of promising to give states nuclear weapons in certain circumstances ought to be considered as a discrete and not general proposition. We ought to limit that part of the guarantee (though not necessarily the policy of guarantees as such) only to states that face a real nuclear threat and that could build their own bombs and would do so if we did not offer an alternative.

The credibility problem remains. How could a state that fears an imminent nuclear threat or an overwhelming conventional threat actually rely on our promise to give them nuclear weapons? We might bolster confidence to some degree by stationing nuclear forces in the guaranteed country under some form of double-key control, with the promise that full control would be turned over to the host country in the event an enemy developed (or received) nuclear weapons. The fact that our forces could be overwhelmed by the host country might induce a kind of negative confidence that we would honor our commitment. It is also a reason why the policy ought to be limited in scope to states that we value highly, and trust at least somewhat. An alternative possibility might involve giving the guarantee state all the accoutrements of nuclear power, short of the explosives themselves: missiles, bombers, perhaps even submarines.[32] If anti-ballistic missiles become a practical possibility, we might also consider giving them to a guaranteed state. How-

[32] Liska, 95-96.

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ever reliable they turn out to be, they are defensive in nature and may increase confidence in the threatened state. It might be more difficult for us to renege on our promise having already made so extensive a commitment.

Emerging Prospects: Policy Alternatives

An element of fatalism is beginning to characterize many analyses of the problem of nuclear proliferation. But proliferation is *not* inevitable, though it may indeed be very probable. And if it occurs, it need not take a form which is intensely destabilizing.

It is not impossible that we have five to ten years in which to develop and apply a policy designed to prevent proliferation. It might even work, in particular because the states that have the capability of becoming nuclear powers during the next five years are those least likely to take up the option, even if threatened, *if* we can provide a credible guarantee. They are also, in general, the states least likely to serve as catalysts for a process of uncontrolled diffusion and least likely to use their nuclear weapons, if acquired, in an unsettling manner.

If proliferation is going to be stopped it will be by a concerted policy combining stringent controls designed to make nuclear production increasingly difficult with a series of guarantees bolstered by tangible evidence of interdependence. Neither controls nor guarantees, by themselves, appear likely to be successful. Combined, the increased difficulties of production may balance or dilute the inevitable relative incredibility of a guarantee.

The elements of the first aspect of this policy are well known. They include agreements to prohibit nuclear testing, production cut-offs, and extensive controls on peaceful uses of the atom.[33] Other suggestions include agreements prohibiting the export of

[33] Bull, *The Control of the Arms Race* (New York, 1965), 156; see also Arnold Kramish, "The Emergent Genie" (The RAND Corporation, P-2777, Santa Monica, 1963). The current public discussion of the problem of proliferation is too concerned with the possibility of negotiating various kinds of treaties to prevent proliferation and not enough concerned with the underlying issues of security and prestige which, obviously, are the decisive factors in determining the success or failure of any treaty. I am *not* arguing that, for example, a non-testing treaty is useless; only that unless we concern ourselves with the substantive issues which confront threatened and/or ambitious states—and not merely their momentary willingness to agree in proper form not to do what they cannot do anyway for some time—the treaty may have as much relevance as the Kellogg-Briand Pact.

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nuclear weapons, some forms of nuclear sharing, and the creation of denuclearized zones.[84] The attractiveness of these is, however, heavily dependent on the degree to which proliferation has already occurred. If it is in fact occurring rapidly, we may be compelled to export certain kinds of nuclear weapons, or to share them in various ways (and even to create certain kinds of nuclearized zones) rather than to continue to try to implement a policy which has lost its rationale.

How likely are these measures, combined with the kind of guarantee already discussed (involving some form of nuclear sharing), to be successful? Optimism would clearly be out of place, but so would fatalism. The potential effects of proliferation are so disturbing, even if they do not lead to nuclear war, that an attempt to prevent it—rather than merely to control or ameliorate it—is surely worthwhile. Unfortunately, even a concerted effort may fail, for technological difficulties will undoubtedly decline and the other inhibitions may disappear or be ignored. We also cannot control the policies of all the other current nuclear powers. Recent reports of French aid to Israeli missile development are illustrative. The assumption that the newer nuclear powers (from France onwards) will be as conservative as their predecessors in selling or dispersing nuclear capabilities may be overly optimistic. As more nuclear powers emerge, and as they come from states with extensive economic problems and less commitment to stability, inhibitions against selling or sharing capabilities *might* decline.

It is, therefore, appropriate to conclude with a few observations on the immediate effects of failure. The states most likely to seek a nuclear capability in the next few years are those locked in a fundamental conflict with an equally powerful neighbor. Once proliferation becomes widespread, states may seek nuclear arms in much the same way that Great Britain and France sought them—without a strategy, without a declared enemy in sight, but simply as a form of insurance. For the moment anyway we are in a different situation, and nuclear weapons will be sought *against* someone and within a local context which may parallel certain aspects of a classical arms race.

[84] *Ibid.* We could also use economic and diplomatic sanctions or benefits in conjunction with this policy.

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Professor Huntington has argued in a notable article that the likelihood of war in any arms race varies inversely with the length of time it has been going on. In effect, war is more likely in the early stages before peaceful patterns of action and reaction have been established.[35] One might guess that this conclusion may very well correspond to what could occur in the next few years. Diffusion to one hostile neighbor leaves the other with very few viable alternatives. It can surrender, or it can start a preventive war to forestall nuclear blackmail (or devastation). Of course, it can also increase its own arms level. But in contrast to traditional races, it may be impossible or unwise to do so, for the enemy with nuclear weapons may attack or threaten to attack if a nuclear program is begun. The crux of the difference concerns the fact that inferiority in nuclear weapons cannot be balanced by superiority on other levels. In this case, as he himself notes, Professor Huntington's second conclusion, that a qualitative arms race is less dangerous than a quantitative one, clearly may not be valid for a nuclear arms race. It is true that nuclear arms merely form one part of an armaments spectrum; but they are a part which may be more than the whole, if the whole does not also include nuclear weapons.

The only other alternative is to seek outside aid. But it is in precisely this situation of intense hostility combined with a qualitative arms race (which is secret in nature) that the policy previously enunciated, of rigid controls on production plus a guarantee involving nuclear sharing, is least likely to be successful. Perhaps we could offer a guarantee involving nuclear sharing until the hostile state explodes a nuclear device, and then promise to turn over the nuclear weapons previously shared to the host state. The commitment gains in credibility if the weapons are promised when the other state sets off its first explosion, for the threatened state still retains the possibility of preventive war in the interim if we revoke (or it can attack our personnel). Moreover, by giving only reliable, defensive, and invulnerable weapons we may add one small element of stability to an otherwise extremely precarious position. As noted earlier, this kind of guarantee *might* succeed in deterring a prospective nuclear power. But it is also very dangerous. The best that can be

[35] Samuel P. Huntington, "Arms Races: Prerequisites and Results," in Carl J. Friedrich and Seymour Harris (eds.), *Public Policy*, VIII (Cambridge, Mass., 1958), 41-86.

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said for it is that it may be the least dangerous alternative in a situation where hostile states confront each other.

In any event, Lewis Richardson's contention that an increase in the level of arms inevitably increases the probability of war must be qualified in these circumstances. The chances of war may actually increase if arms levels do *not* go up. Conventional instability is obviously more dangerous when one or both local states possess nuclear weapons, and a potentially one-sided nuclear confrontation may be more destabilizing than some form of mutual deterrence. The difficulty is insuring that the nuclear weapons available are used to enhance deterrence rather than aggressive intentions. And that may be more difficult to accomplish in the years ahead when the prospective nuclear powers are heavily involved in deadly quarrels.

The dangers of giving states nuclear weapons, or any weapons, are frequently noted. It is difficult, and in the short run virtually impossible, to control their use once given. But it may be even more difficult to control the use of weapons which are home-grown and unsophisticated. It hardly needs emphasis that we should adopt a policy of transferring control only in limited instances, when the alternative is an immediate local war or an uncontrolled arms race. In other circumstances, we ought to try to prevent proliferation at all costs. And it is not absolutely certain that it will be impossible to implement both policies together. We could offer to give nuclear weapons in an attempt to control the worst effects of immediate crises. And we could, in all other circumstances, concentrate on preventing indiscriminate proliferation by a combination of guarantees and stringent controls on production.

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Home Towns and State Administrators: South German Politics, 1815-30*

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The leading roles in the German Constituent Assembly that met in Frankfurt in 1848 were played, as one might expect, by men experienced in public life. There were 325 professional public officials there, out of a membership of 830. Only twenty were the mayors of towns. The others were professional state administrators, mostly of fairly high rank—call it upper-middle rank—without the broad political responsibilities of ministerial or privy council rank, and also without the day-to-day need of getting along in local political and social processes. A similar distinction applied to the smaller group from town economic life shows similar composition: forty-six merchants, with spheres of activity (like state civil servants) normally outside local corporate forms, and four artisans (like mayors) from within them.[1] This preliminary essay is meant to suggest why it is good political sociology to cite the figures thus: bureaucrats and merchants on the one hand, mayors and artisans on the other. The overwhelming preponderance in 1848 of the first group at Frankfurt, and of the second in the country, suggests why it matters. It is an alignment apparent in German civic life in the eighteenth century, trans-

* For the study of German local social history from which the article derives, I am indebted to the Social Science Research Council for a research grant in 1964-65, and to graduate seminars at Harvard University in 1964 and 1966.

[1] Ernst R. Huber, *Deutsche Verfassungsgeschichte seit 1789* (Stuttgart, 1960), II, 610.

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posed now into the post-revolutionary politics of the nineteenth. The essay is restricted to the teens and twenties, the missing link between, and for exemplary reasons to the four South German states of Bavaria, Württemberg, Baden, and Hessen-Darmstadt.

What made the twenties so quiet was the extreme political nervousness of the teens, which led to compromise and alliance between political and administrative interests, for the sake of political stability. "Restoration" within states was made necessary by the familiar paradox that in territorial arrangements there was little restoring in 1814 and 1815. Nobles could be bought off with public office and fiscal indemnities; in the German south and west most of them had long since relinquished any intimate connection with the countryside anyway. But the town corporations were another matter.

The professional purposes of civil servants had brought them into conflict with local communities in the eighteenth century. It was natural for them to try to get the areas of their responsibility under as positive and simple a kind of control as they could, and the effort was sanctioned by the formal cameralist doctrine in which they were trained. The confrontation between state purpose and local life was a confrontation between civil servants, relying on administrative apparatus and their own professional skills, and local eminents relying on indigenous rooted social organization and locally various civic practices. Where there had been little social or political change and much local autonomy, in the piebald map of the old empire, the political confrontation was sharpest when it came. It produced what might be called conscious political classes in states large enough to have corps of professional administrators. They were able to press their campaigns as long as they were supported by their governments and the military resources of governments. Territorial change always brought strain as well as stimulation to the bureaucratic party in ambitious states.

The South German states made especially large and varied territorial gains in Napoleonic times. Acquisitions were made particularly in areas where there had been little change and much autonomy before. This meant that the relation of state to locality, of the new masters and their agents to the existing communities, was more precarious and at the same time tempted more severe treat-

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ment than in less disrupted places. A factor expected to help keep the Rhine Confederation princes under Napoleon's thumb was the insecurity and unwelcomeness of their rule over their added places and people. The professional administrators responsible for getting the acquired communities into the state were drawn to controls which were harsh, because being aimed at manageably rational clarity they everywhere violated the variegated and subtle local institutions and civic habits. At the same time the controls were desperately elaborate, because in so far as the various bodies did not have common practices and institutions, there had to be a rule for everything, and every locality created a need for new rules.

By the middle teens the morale of the administrators had been weakened by despair at the magnitude and complexity of the task, and they had begun to retreat. As social bodies the local communities had withstood the assault of legal and fiscal measures, and in the course of the conflict had developed a vigorous localism directed against the state officials. And the state political leaders, sovereigns and ministers, were anxious to pacify the population. The theme of what follows is the polarization and tension between the two groups. Heads of states, in this socially conservative and administratively activist Germany, had to choose between the two, until, much later, they found ways to resolve them.

The Hometowners, 1817-21

For Bavaria the issue has the clarity of an extreme case.[2] Prime Minister Montgelas represented the purifying flame of rational administration even more than Prussia's Hardenberg, who was readier for political compromise. The fragmented Franconian and Swabian areas assigned to Bavaria by the French and then by the Vienna Congress felt the severest shock, especially the former free imperial towns; but communities of all sorts were affected. During the Napoleonic era the domestic administrators had in Montgelas a representative and a chief who was the most powerful figure in

[2] Throughout the essay I am heavily indebted to Mr. Edward Shorter for his excellent 1964 Harvard seminar survey of the Bavarian situation, entitled "Heimat Law and Social Change in Bavaria, 1818-1848." For general treatment of self-government at all levels, see Heinrich Heffner's altogether admirable *Die deutsche Selbstverwaltung im 19. Jahrhundert* (Stuttgart, 1950).

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the Bavarian government, and they developed a deliberate campaign against the self-centered, corrupt, and above all the sloppy habits of local government. Native town councils or magistracies were usually maintained on paper as a sop to the traditionally prominent and still locally influential, with full pay and titles; but they lost their legal privileges and powers—notably the "police power," defined in 1808 to include regulation of "safety, poor support, health, foods, accidents, regulations on domestic servants, religion and education, cleanliness, building, public enjoyments, and communication (*Intelligenzwesen*)."[3] The crucial control over community property and charitable endowments—this meant practically all town revenues, leasing powers, special jurisdictions, and expenditures for administrative personnel and public and social services—was removed from the co-optive oligarchies of the towns and given to appointed state officials from outside their social systems. All taxpayers were declared full members of the communities where they resided, so that a mechanical fiscal criterion determined who might have a voice in community affairs, share in community property and demand maintenance in case of want, and establish an independent business or craft or farm, replacing the cautious discretion of the town councils and the close-knit social orders they represented and controlled.[4]

But by 1813 the officials, caught in the morass of local administration, were losing their militancy. The Montgelas administration had bitten off more than it could chew; the paperwork of regulation and reports was insurmountable. Total regulation was not practicable. One way to simplify procedures would be to get them out of sight, to decentralize, to turn these tasks back to the towns. In 1816 another argument was put before the Council of State: that under the Montgelas system the natural town leadership was "without influence and without effectiveness, subjected to the contempt and the reproaches of their fellow-citizens." The local leader-

[3] Horst Clément, *Das bayerische Gemeindeedikt vom 17. Mai 1818* (Kassel, 1934), 10, note.

[4] Clément, *Gemeindeedikt von 1818*, 11-27; Anton Schmid, "Gemeinschaft- und Gemeinderecht im altbayerisch-schwäbischen Gebiet," *Zeitschrift für Bayerische Landesgeschichte*, IV (1931), 384-85; Wilhelm Imhof, *Die geschichtliche Entwicklung des Gemeinderechts im rechtsrheinischen Bayern seit dem Jahre 1818* (Munich, 1927), 5-7. There are many local narrations in local and provincial German historical journals.

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ship embodied the community "organisms" and ought to be reinstated.[5]

Montgelas was still prime minister, though, and the Bavarian government divided and deadlocked. The local and middle bureaucracy with liberal views, and those who sought to represent them, backed the absolutist Montgelas, even though they knew best the difficulties of administering local government.[6] It was indeed the direct professional experience and interest of rank-and-file administrators that made them unwilling to return local powers to the hometowners of the old days. It was the frustration of the officials' efforts to reform, to rationalize, and to that end to liberalize the local organisms (to use the appropriate term of the time) which made them look upon the local magistracies as the stubbornest enemies of the state as they understood it, of their own professional success, and so of themselves—political enemies, class enemies. In the last days of Montgelas the officials were compromised by their inability to do everything themselves, and by the post-revolutionary fear, especially among their political superiors, that harsh suppression by outsiders of the powers of hometown elders whose influence in the population had deep and interlaced social roots would lead to disaffection and unrest.

The monarchs' and ministers' fear of disaffection and unrest in their new territories was a main reason for the popular provisions of the South German constitutions of the teens and twenties. To the degree that their executive sovereignty was insecure, they had to act as politicians. The way to get internal unity in the sense of political popularity for the state governments was to sacrifice uniformity of state administration and the freedom of action of administrators. This principle might speak of binding the people to state and sovereign through representative institutions, as it had in Prussian reform thinking; but in operating substance, in the South Germany of that time, it meant leaving the localities to their own devices and in the hands of the co-optive communal corporations, more than it did binding them to the state or the state to them. As long as their social control held, the hometowners had nothing to fear from local elections.

[5] Bayerisches Hauptstaatsarchiv, München, Staatsrat (hereafter, BHM Staatsrat), 2340. *Organismus* is Zentner's word.

[6] Clément, *Gemeindeedikt von 1818*, 33.

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In Württemberg the question was part of the struggle for the "Good Old Law" of pre-Napoleonic constitutional conservatism. Under Frederick II (1797-1816) town magistracies had become state-appointed bodies.[7] But an ordinance of June 1817 established local bodies called Community Deputies (*Gemeindedeputierten*) "for the preservation of their interests against the magistrates"; the Deputies had the right to speak for the town and all its citizens to the government at Stuttgart, if there was conflict with the bureaucratically-controlled magistracy. They were elected by all full citizens, with signed paper ballots. At the same time the magistrates' terms were changed from the two-year appointments of mobile and removable state administrators to the life terms of civic leaders grown into the lives of the communities where they serve.[8] The political purpose was served: in the Good Old Law matter local civic leaders rallied behind the government's plans because they correctly expected to be elected to the new offices.[9] Then in 1818 the state-appointed magistracy was replaced by a locally-elected town council, with a life-term administrative head (*Vorsteher*) nominated by the council and appointed by the state. The theory was that this chairman would act as a state official in matters within state jurisdiction and as a local official in matters within local jurisdiction—an effort to bring state and local affairs and administration into contact (and Württemberg probably was, over the years, more successful at this than any other South German state.) The ticklish and vital question of who had the power to grant communal citizenship rights—the vote, the right to set up a trade, to marry, and so on—was left unsettled. Control over church, school, and endowments was returned to Council and local pastor. There were some mild restrictions on the simultaneous presence of close relatives on the Council, but these were removed within a year; provincial courts got orders to give dispensations in almost all cases, strengthening the grip of prominent families on community affairs.[10] And the Constitution of 1819, while it declared that every state citizen—with special exceptions—

[7] Alfred Dehlinger, *Württembergs Staatswesen in seiner geschichtlichen Entwicklung bis Heute* (Stuttgart, 1951), I, 268.

[8] *Staats- und Regierungsblatt für das Königreich Württemberg* (hereafter Wbg Reg), 18 VI 1817.

[9] Württembergisches Haupt-Staatsarchiv, Stuttgart, E41/42, Geheimer Rat, II: G185, 15 and *passim*.

[10] WbgReg 1819 Ed. I, III, and IV; 23 I 1819, 27 VIII 1819.

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must be a full member or legal resident (*Bürger* or *Beisitzer*) of some community, said also that the acceptance of citizens was exclusively a community affair except in case of conflict. And state officials were forbidden to meddle with community property.[11]

The deadlock in Munich had been resolved by the fall of Montgelas on February 2, 1817. Within weeks a royal ordinance promised to restore control over endowments and community property to the "political communities," explicitly revoking all the relevant Montgelas legislation since 1807. The process went on through 1817 and 1818, in the seven old Bavarian provinces; in the separately-administered Palatinate, where French administrative law prevailed, the provincial administrators on the contrary assumed stronger control over the communities.[12]

The Bavarian Community Ordinance of May 1818 proposed, in the words of the preamble to the general constitution it accompanied, "the revival of the communal bodies through the restoration of the administration of those matters most closely affecting their weal."[13] On the whole it was a victory of the communities and the post-Montgelas ministers and Council of State over the working officials of the Interior Ministry.[14] The Council agreed that there would have to be a local administrative magistracy which had some professional skill and at the same time the confidence of influential townspeople; the device used to combine these contrary ends was a Magistrates' Council partly professional and partly non-professional in composition, affirmed by the state but chosen and overseen by a body of Community Spokesmen (*Gemeindebevollmächtigten*). The Spokesmen were made to be strongholds of the corporate leadership of the socially influential, by means of oral and direct election by "real citizens." The police power—control over local social and economic life—was turned over to the Councils, except in certain specified larger towns with more cosmopolitan economies and populations, where the state retained uniform control. In working out details for promulgating the edict, Interior Ministry officials tried to overturn it by insert-

[11] WbgReg 27 IX 1819. Par. 62-63, 66.

[12] *Regierungsblatt für das Königreich Bayern* (hereafter, BayReg), 12 III 1817, 12 IX 1818; and provincial Regierungsblätter 1817-18, *passim.*

[13] *Gesetzblatt für das Königreich Bayern*, 1818, 49-95, 103, 477-555.

[14] Clément, *Gemeindeedikt von 1818*, 35-54.

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ing state commissioners with veto power over the Councils, but failed; they achieved a compromise in an effort to broaden the suffrage for electing the Spokesmen and to impose a high wealth qualification for membership, trying thus to strike at the hometowners from above with wealth and from below with wide suffrage.[15]

In Baden the communal body corresponding to the Bavarian Community Spokesmen and the Württemberg Community Deputies was called the Community Citizens' Committee (*Gemeindebürgerausschuss*), established by an "Emergency Decree" in 1821 to smother noisy confusion within the state administration and the Diet.[16] The lower chamber of the Baden Diet was dominated by a mixture of state administrators and local officers chosen by hometown constituencies. Debates throughout the twenties never resolved the inconsistency between two principles of local self-government: the one which saw it as a means of *incorporating* responsible citizens with the purpose of the state, and the one which saw it as *defending* corporate autonomy and privilege against leveling state domination. The liberal Interior Ministry official Ludwig Winter in the teens proposed an ordinance which would have endowed all inhabitants of a community—bureaucrats, teachers, "capitalists," the poor, Jews, and the rest—with full citizenship rights, the same as real citizens; *Bürgermeister* would have been removable by the state. But in violent debate the Diet rejected civic equality and centralized administration. It concluded that the communities should have full control over the extension of citizenship rights; and the control, along with veto power over local fiscal actions of state officers, was handed over to the Community Citizens' Committees in the decree of 1821. A three-class voting system was devised to prevent the wealthy from gaining any advantage in elections to the Committees; and state officials and other non-citizen residents were excluded.[17] The liberal political publicist and theorist Carl von Rotteck averted his eyes from the strange "illiberality" of the views of the chamber manifested in this debate, the result of "a lamentable misunder-

[15] *Ibid.*, 54-63; Imhof, 7-29.

[16] *Grossherzoglich Badisches Regierungsblatt* (hereafter, BadReg), 5 IX 1821.

[17] August-Wilhelm Blase, *Die Einführung konstitutionell-kommunaler Selbstverwaltung im Grossherzogtum Baden* (Berlin, 1938), 59-93.

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standing, or temporary division, between the *intellectual leadership (höheren Intelligenz)* and the majority of the Chamber."[18]

It was becoming clear to anyone willing to see that the communities were stubbornest about the right to control admission of new members—the *Bürgeraufnahme*. In one legal form or another that was the central issue between the communities and the state officials during the first half of the nineteenth century; the diversity of forms and channels has obscured the unity of the political issue. It was the one state-wide issue which intimately involved every community, for whom these administrative and social questions were the heart of domestic politics.

For centuries the old town corporations, however legally framed, had limited alien entries into the community through the *Bürgeraufnahme* power, most visibly for political and economic reasons. They controlled in this way the decision whereby persons were admitted to full civic standing and the respect of the respected, and whereby the organic integrity and balance of the community, as well as the positions of its leaders, were maintained. Criteria of moral and social taste were inextricably mixed with factors which from our distance seem more concrete. But full citizenship, including a claim on community support in case of need, ordinarily came simultaneously with guild mastership in a trade. The simultaneous grant came from political and guild leaders—interlocking groups socially, in membership or family, when not formally in law. The greater fluidity of population and weaker social integration of the largest towns was recognized and distinguished in nineteenth-century law and administration; their economic and social affairs were put under professional state administration, as was the rural countryside. But, while the middling and small communities were now willing to accept the convenience or even the need for professional administrators in the town hall, they were determined to hold control over their own composition in the hands of the leadership emerging from the town's social organization. Officials whose responsibilities were above and outside the communal organisms, of course, were obliged to find places—and not just physical room—for persons whom the communities did not want. In times of economic or social strain the conflict of in-

[18] Carl von Rotteck, *Geschichte der badischen Landtage von der Einführung der Verfassung bis 1832* (Stuttgart, 1836), 128. Rotteck's *Sperrdruck*.

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terests between town leadership and state administration was exacerbated. These were times when the nervous state political leaders, rulers and political ministers and advisers, were likely to favor the "real citizens" whose resources and influence were independent of them. In Baden, for example, the first such period extended through the Emergency Decree of 1821.

In Hessen-Darmstadt, where the restorative swing to the hometowners was less pronounced or less apparent than elsewhere in South Germany, the role of community self-preservation was given to a Community Council (*Gemeinderat*), which nominated an administrative *Bürgermeister* installed by the state. The Council, with nine to thirty members depending on the size of the community, was empowered to admit new citizens. It was expected to accept all adult Christians, but had the right to deny membership to persons who could not prove their ability to support a family or who had "bad reputations."[19] Bad reputation was a legal term descended from old community acceptance criteria, directed notably against sexual promiscuity which led to irresponsible procreation; as an economic description it also came to mean laziness, or proneness to failure at a trade because of community mistrust or dislike. It was a flexible and useful standard indeed.

But the legal battle of the hometowners in Hessen-Darmstadt for social self-determination was fought mainly in the area of economic and guild legislation. The community ordinance of 1821 was silent on this question, although—more likely because—it was the crucial one. The customary way for an applicant for citizenship to prove he could support a family was to present a certificate as master in a trade. In the older Hessian provinces the certificates were issued by the local guilds, socially interlocked with the civic communities. But in the newly acquired province of Rheinhessen there were no guilds, as a consequence of French administration; there artisans and tradesmen were liberally licensed by state officials on the basis of uniform tests of skill. If these licenses were made valid throughout the Grand Duchy through general economic legislation, the communities would lose their power to control membership through the guild system. In the Diet they fought against any general law, talking of the rich vari-

[19] *Grossherzoglich Hessisches Regierungsblatt* (hereafter, HDReg), 9 VII 1821.

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ety of local customs and local situations, which called for local treatment. No state law could cover them all. But in the summer of 1821 the government, with support from Rheinhessen, succeeded in passing a law of maximum simplicity and liberality, explaining that complex local situations were best handled in the administration of a law, not in the law itself. A licensed master might work anywhere, whatever his native district, and might employ as many journeymen and apprentices as he liked. But the government blandly promised to preserve the other powers and the integrity of the guilds in the old provinces.[20]

For the detailed attack on the guild form of communal self-defense, though, the officials avoided the political process of constitutional legislation, with its public debate and excitement; they used the camouflage of an administrative order on fiscal reorganization. A new High Chamber of Finance, by ministerial decree, assumed jurisdiction over state revenues, including among others "guild monies and guild fees."[21] There had been in fact no modern legislation assigning general control of such fees to the state, as far as I am aware. Two weeks later another order went out through administrative channels: by virtue of the fiscal reorganization decree, guild affairs and marriage permits (which required proof of self-sufficiency, and thus had been controlled in the same way community membership had) fell thenceforth under the jurisdiction of provincial officials, who were directed to act accordingly.[22] Now, the first organizational edict had in literal fact granted none of these powers to state officials, and assuredly the public legislation on communities and on trades had not. And then finally another order, two months later, began: "Since [the decree organizing the High Fiscal Chamber] the awarding of all licenses to practice trades in Starkenburg and Oberhessen [the old-Hessian provinces] belongs henceforth to the provincial governments. . . ."[23] These powers were to be exercised, that is to say, from the administrative level best insulated from political influence from below or from above.

[20] Hessen-Darmstadt: *Verhandlungen in der zweiten Kammer der Landstände*, 1. Landtag 1820/1821 (hereafter, HDVerh 1820/21, II) 17 II 1821, 26 II 1821; HDReg 18 VI 1821.

[21] HDReg 16 VII 1821.

[22] HDReg 30 VII 1821.

[23] HDReg 17 IX 1821.

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The Officials, 1821-25

The reason for describing this Hessian procedure in such detail is that legislating by administrative reorganization became a pattern in the bureaucratic effort to control, rationalize, and liberalize community life in the politically quiet decade of the twenties. Once community and noble conservatives had been quieted, it became a good decade for the officials. Prices were comfortably low. When the hometowners had been conceded control of their nests, they were content; and it became possible to suppress or control the Diets which might have been their institutional channels to the political life of the states. Officials and conservatives agreed that political demagoguery and rabble-rousing by misfits and outsiders had to be suppressed. On questions of high politics the conservatives needed the state, or thought they did, and the officials pressed their advantage—albeit through devious channels.

Probably the best-concealed process of all was the one pursued in Württemberg. It was the most successful, too, though the success owed more to the political skills of the Württemberg *Oberamtmann*, the state official nearest the communities, and his professional need to reconcile the confidence of the communities with the demands of his superiors, than it did to the origins of the rules he administered—though their obscurity probably helped. Neither the Community Ordinance of 1818 nor the Constitution of 1819 had been able to decide where to locate the power to accept new community citizens. The decision came in an order of June 28, 1823, "Respecting the Simplification of Procedures within the Department of the Interior,"[24] and the materials surrounding it were filed under "Chancellery Affairs (*Kanzleisachen*)"; but the government knew it was making important substantive legislation. The officials had just found procedural ways of hiding it.

The history of the decree begins indeed with an effort to halt proliferation of paperwork; the government asked administrative officers throughout the kingdom how this could be done. The unanimous answer was that the main cause of bureaucratic paperwork and delay was the thousands of appeals in cases of community citizenship and trades licenses. Jursidiction and policy were not clear, and situations were various and complex. But the *Ober-*

[24] WbgReg 5 VII 1823.

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amtmänner stood out against giving final decision in these matters to the communities, where local prejudices and private interests would imperil the general welfare (and the power of the state and the interests of rejected applicants). On the one hand was a need to clear the report-clogged channels of government; on the other was a need for justice, sense, and flexibility. The answer was administrative power to the *Oberamtmann*, who was held to be in touch with local situations but free of community prejudice and self-interest. Acceptance of new citizens, traditionally based on an estimate of whether they could honorably support a family—who but the *Oberamtmänner*, asked the *Oberamtmänner*, could promptly and correctly and inexpensively judge this? Marriage permits for minors? Tavern licenses? Dismissal of local administrators of town properties and endowments? Permission for close relatives to sit together on Community Councils? Appointments to minor church and town offices? Decisions to allow periodic public markets, open to outsiders? All the practical arguments for local self-government were made to support the powers, not of the communities, but of local state officials.[25]

Once questions of substantive and even constitutional law became the center of discussion, someone of course asked whether they should not after all be treated as legislation, and not as administrative clarification. But the Interior Ministry, after five years of keeping these issues out of the political spotlight, wanted no such candor. And the Privy Council itself, reporting to the King, urged that it would be wiser not to communicate the proposals to the Diet, whose own proposals for laws on communities and on trades were repugnant to the Ministry.[26] By this time the government had no doubt it was legislating.

When the edict emerged from the chancelleries, still described as a procedural one, it included all the powers over the communities the *Oberamtmänner* had asked for, plus some others which had hardly been discussed: for example, power over the "assignment of places of residence to homeless persons [technically homeless, meaning without community membership] in accordance with existing rules," and over

[25] Württembergisches Staatsarchiv, Ludwigsburg (hereafter, WSL), Ministerium des Innern, Kanzleisachen, Generalia, E146: 705/1, 8.

[26] WSL E146: 705/23.

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> dispensations from the trades regulations mentioned in the ordinance of January 2, 1817, without the restrictive conditions there stipulated; also the granting of dispensations from the prohibition of minors from the practice of guilded occupations; from the limitations on the number of artisans who may be employed in a single enterprise; from the prohibition against simultaneous pursuit of two guilded trades; and from the preparation of the masterpiece; and also the granting of permission to buy one's way into a guild as a master.

The Diet kept on trying to establish rules for community citizens' acceptance through regular public legislative procedures, where its influence and its political resources could be felt; but, the Privy Council reported to the King, the Interior Ministry was alert and intended to get there first if necessary, believing

> the present moment is all the more appropriate for this, for one thing because the Diet would in any case probably bring the matter up for discussion, and also because proposals for a trades ordinance and one for the civil condition of Jews, which will come before Diet committees for discussion, are related to this in many ways.

The close relation among these legal topics was clear. But, the Privy Council went on, there was room for hope that the Diet would be too busy to do anything about these questions; and while one should avoid giving the appearance of reluctance, one should not openly raise questions "which the government has in fact no interest in causing the chambers of the Diet to pursue."[27] A swift series of departmental orders in January 1824 set up rules whereby state officials would assign the civic homeless to communities, and the guildless to guilds, and state licenses would be granted to unpropertied and untrained peddlers—all based on the procedural order of June 1823.[28]

In Baden the party alignment was and remains obscured by the ambiguity in the idea of self-government which Rotteck preferred not to think about. In a related way, the strong liberal bureaucratic element in Baden politics and the Diet managed, in its struggle to stay there, to assume the mantle of the people's voice against a despotic government. And at the same time the Baden bureaucracy was the most powerful in South Germany, and the least

[27] WSL E146: 644/15 (Ministerium des Innern, Bürgerrecht).
[28] WbgReg 31 I 1824.

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reliant upon formal legislation. All the same, in Baden, too, there was in the middle twenties a visible movement against the powers and privileges of the hometowns, in a direction contrary to the communitarian legislation of 1821. In the absence of legislation it was manifest mainly in low-level decisions on individual cases, but sometimes these reached the status of state law. In 1824 a rural official asked if an elderly and poor citizen might work as a glazier, so as to make a living, despite the old rule which listed this trade, like most others, as reserved exclusively for townsmen. The Interior Ministry said he could; the old law had never been fully promulgated and so was without force. The ruling caused some consternation among officials who had been enforcing the law for years, and the outcome was a Grand Ducal order of 1825, by handwritten circular notice to officials affected (the order was never published as far as I know), that all rules limiting the rural population to specified rural trades were abolished. The reason given was that country people no longer needed to be protected against entering trades which could not succeed in the countryside. But it was really the small townsmen who were losing their protection against competitors who might set up in business outside the walls and thus be free of the informal price-fixing and restraints on production which prevailed inside—competitors who might even succeed in getting inside on the basis of licenses which in rural areas were issued by state officials alone.[29] A few months later the rule forbidding artisans to sell and deliver goods outside their home guild districts, an old practice designed to preserve local markets for local people, was abolished.[30] Local state officials were given the power to forgive the masterpiece and journeymen travel requirements for trade licenses, especially for poor applicants.[31] A series of fiscal "clarifications" in 1825 removed, with state bonds as compensation, most of the old complex, manipulable, scattered incomes of the communities, thus removing community jurisdiction or fiscal influence over the persons, funds, and transactions upon which the fees had been levied. Uneven local sales taxes, trade license fees, and special taxes on Jews and other

[29] Badisches General-Landesarchiv (hereafter, BGK), Karlsruhe, Ministerium des Innern, Generalia, Gewerbe, 236/5818.

[30] BadReg 9 XI 1825.

[31] BadReg 25 VII 1825.

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non-member residents of the communities got special mention in the orders.[32] In 1828 the Jew tax was entirely abolished: nobles got compensation, communities got none, but thenceforth Jews were to pay regular local taxes.[33] In Baden as elsewhere in South Germany, state officialdom in these years pressed whenever it could toward the assimilation of Jews into the civic community, by measures for legal equality and for stabilizing their residence. There were attempts to inhibit the entry of Jews into such unguilded occupations as peddling and speculation in livestock and real estate, and to encourage their entry into ordinary Christian trades instead. All efforts like this, of course, were resisted by the hometowners.[34]

In Bavaria the counterattack of the officials after the setback and compromise of the teens was opener and ruder. The hometowner program of constitution and Community Ordinance had been explicitly directed against Montgelas and all his works; but the bureaucracy he had trained still filled the middle- and lower-level chancelleries, and their professional problems and aspirations were unchanged. They controlled the channels of communication to the ministerial level. Moreover, the Rhenish Palatinate was governed by the liberal bureaucratic French law of earlier days, and although (unlike comparable parts of Baden and Hessen-Darmstadt) the province had an entirely separate system of law and administration, officials there delighted in needling their colleagues and superiors in Munich and the seven old provinces with reports of the greater simplicity, cheapness, order, liberality, and humanity of Palatine administration, and its faster economic development.[35]

The economic features of the division are clearest. A Bavarian Interior Ministry analyst described it in November 1821, in a memorandum on trades regulation: There were two opposing "parties," he wrote. The first, made up of the existing independent tradesmen, regularly lamented bad economic conditions "and see the only desirable help, for their own survival and that of the

[32] BadReg 16 IV 1825, 21 VI 1826.
[33] BadReg 16 V 1828.
[34] Regierungsblätter, *passim*.
[35] For example, BHM MH 6127, unnumbered (Geheime Raths Acta, Ministerium des Innern, Gewerb und Zunft).

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trades generally, in retightening the guilds and their restrictive powers, reestablishing the pursuit of a trade as a legal property right, and ceasing to issue new licenses." The opposing party was composed of "the public, new applicants for trade licenses, and most of the lower and middle officials concerned with trade regulation. . . . The working officials complain of the great labor caused by economic affairs," and the burden of regulation encouraged their belief in economic freedom, which they hoped would lead to "the attainment of that system of natural freedom which has become all too popular in the past thirty years, and to the general welfare through subordination of private interests." The public wanted better and cheaper goods as a result of free competition, and the applicants wanted to be able to work.[36] From the outset, the administrative rulings of provincial and local state officials reinterpreted the 1818 laws in ways which restrained or undercut the powers then granted to the hometowners. Dispensations from journeymen's travels, traditionally granted to the sons of local masters, were put in the hands of state courts; communities were ordered to regularize their informal and uneven treatment of "beggars and paupers" and to file a report on each case with the state.[37] There might be clerical fees for the acceptance of new citizens, but no charges for the acceptance itself (the old *Bürgergeld*).[38] Communal magistracies and Spokesmen must stop meeting together; mingling the two bodies was constitutionally improper.[39] The indignation of guilds and communities reached the Diet and caused sharp debates in 1819 and 1822; the confrontation was clearly defined; the only outcome was a determination that there ought to be a law.[40]

The Interior Ministry at that time wanted no formal legislation if it could help it, but it prepared for the eventuality. It asked the advice of provincial administrators, delivering a preliminary lecture on the evils of guilds, but warning that full freedom to enter

[36] BHM MH 6127, unnumbered.

[37] *Intelligenzblatt der Königl. Bayer. Regierung für Niederbayern* (hereafter, BayNB), 16 II 1820, 23 II 1820.

[38] *Intelligenzblatt für den Untermainkreis des Königreichs Bayern* (hereafter, BayUM), 23 III 1820.

[39] BayUM 7 VII 1821.

[40] August Popp, *Die Entstehung der Gewerbefreiheit in Bayern* (Leipzig, 1928), 67-78.

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the trades would never get past the Diet. The replies overwhelmingly, though not unanimously, favored maximum economic freedom. The strongest statement came from the chief of government of Upper Bavaria, seated at Munich but painfully responsible for administering the old communities to the south and east. Certain *theorists*, he wrote—in Munich the epithet was probably aimed at Catholic corporatists—favored strong guild systems; but he and his colleagues held that every restraint on freedom endangered the natural order of things and hindered the development of citizen and of state. As between theory and practice, he would choose practical administrative experience, and thus freedom.[41]

While the officials were organizing their forces on the trades question, they were preparing other legal areas, too: rights to settle and marry in a community, and a new *Heimat* law, on standards for determining where people belonged and what community must share facilities and accept social responsibility for them. The time was not deemed ripe for action in 1821 and 1822; there was the Diet, and it was not yet tranquil. Interior Minister Count von Thürheim had been one of the triumvirate who had replaced Montgelas and presided over the laws of 1817 and 1818 which had attended his fall; in the summer of 1825 he decided it was time to reverse them. "There are various reasons to believe," he told the Council of State,

> that openly liberal ideas might now have the upper hand in the Chamber, so that proposals by the *Gouvernement* for greater mobility in the relations among state citizens will find better reception than heretofore. . . . The spirit of the times seems resolved to press forward as it were with violence, though the dead weight of customary institutions and traditional rights of exclusion (*Ausschliessungsrechte*) fight against it.

Put legislative proposals before the Diet, then; in any case it would distract them from other kinds of foolishness; and if laws could be passed they would give the officials stronger bases from which to defy public opinion. Keep the laws brief, vague, and general; given discreet elbowroom the officials would do the rest.[42] A "cloverleaf" of new laws on marriage and settlement, on trades,

[41] BHM MH 6127, unnumbered.
[42] BHM Staatsrat 2163, unnumbered.

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and on *Heimat* were pressed quickly through the Diet and published simultaneously on November 11, 1825. They applied only to the old Bavarian provinces, because, as the ministerial *rapporteur* put it bluntly to the Diet, this kind of law was not needed in the Palatinate.[43]

The law on trades was designed, said the preamble, to strike a compromise between "serious reservations which for the time being still exist against unrestricted freedom in the trades, but on the other hand the intention to remove deterrents to diligence in the crafts (*Kunstfleiss*), to improve the level of competence within the trades, and to raise domestic [Bavarian] industry to a higher level of perfection." Every independent tradesman was to be licensed on the basis of ability alone; and if he was competent and could meet the settlement requirements (treated in the accompanying marriage and settlement law) the license could not be denied. Once licensed he could not be forbidden to diversify his enterprise into related fields, no matter how this affected the established trades. Guilds might continue to exist, as educational and social organs under state oversight; but the state could split or combine them at will, and could at its discretion declare trades requiring no elaborate training to be open and free. Patents for new processes were to be issued independently by the state.

The law on marriage and settlement, openly designed to ease the formation of families, obliged communities to grant permission to any person who was of good reputation (here was a loophole of the kind which quieted opposition in the Diet), who had learned a trade, and had a minimal capital. Otherwise his right to establish a home could not be denied except for considerations deriving from civil law, religion, or police reasons (another possible loophole, considering the vague limits and location of the police power). And finally the *Heimat* law said that everyone should have a home; it granted the right to dwell in a community, and to invoke its aid in case of impoverishment, to anyone who had settled or married in conformity with the accompanying law; moreover, any citizen could stay in any Bavarian town he liked, provided he did so legally and supported himself.[44]

[43] [Karl] Christian E. v. Bentzel-Sternau, *Baiernbriefe, oder Geist der vier ersten Ständeversammlungen des Königreichs Baiern, III* (Stuttgart, 1831), 268-359.

[44] BayUM 8, 11, 13 X 1825.

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The overall intention of the laws was clear; the officials had their mandate. But the laws were silent on the vital question of who would decide whether an applicant for civic and domestic rights was competent to carry on a trade. On this all the rest consequently depended; and in Bavaria, as in the other South German states, it was decided in the twenties by administrative edict, this one issued in December 1825. The edict established administrative districts for the trades, and required that guilds be broken up or amalgamated to conform to the districts, so as to destroy their socially organic nature and their interlacing with the political communities. The new organizations were to be called "trades associations" (*Gewerbsvereine*), and each was to be headed by a state official, aided by two elected leaders whose statutory duties were to do what the state commissioner told them to do. The tradesmen of the district were to meet once a year to hear what new rules there were and who had been admitted to the trade—a very different matter from the homey gatherings at the Red Ox where they had made their own decisions amid social conviviality. To determine the competence of new applicants, with all the ramifications of that decision, district testing commissions were to be instituted, dominated by a state commissioner and by judges chosen by the applicants themselves; only the commissioner was allowed to put questions. No applicant was to be rejected for reason of birth, class, or religion; there would be no distinction between townsmen and countrymen; and no one was to be excused from the wandering requirement. The level of local demand might be considered in purely economic terms, as a condition for license, but local sentiments could not; and commercial enterprises or factories whose markets extended outside the local district were exempted from the demand consideration altogether. A licensed tradesman might have as many employes as he liked, might locate where he chose, and buy and sell wherever it suited him.[45] And the duties of a royal Bavarian official, ran an instruction appearing about the same time, were "to assure to every single state citizen in his district the freest possible development of his powers within the limit of the laws."[46]

[45] BayReg 18 I 1826.
[46] BayReg 24 XII 1825.

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Open Conflicts, 1825-30

As soon as the hometowners began to feel what had happened in 1825, trouble began; the relatively quiet half decade of community exclusiveness and official restraint was over; the bureaucrats had been caught in the open, up to their old tricks. Local guilds flooded Munich with complaints that too many new people were being let in by the state-controlled licensing procedures.[47] It was discovered, too, that Interior Ministry officials, with a mandate to develop Bavarian industry, were issuing hundreds of "patents" (*Privilegien*) to non-masters which permitted them to set up shop in competition with guildsmen producing practically the same things.[48] As resistance grew it became apparent that local state officials were having a difficult time promulgating the liberal rules of 1825: construction of the new trades associations and the ruin of the guilds stopped.[49] The communities also found that in a pinch they could use the good-reputation provision of the marriage and settlement law to frustrate much of the 1825 legislation. They levied fees for citizen acceptances so large that applicants could not pay them and still meet the property and self-support requirements of the law. They burdened large families with especially high "registration fees." But the officials did not retreat as they had in the teens. From their politically insulated strongholds in the provincial governments and in Munich offices, they goaded the embattled district officers. They brought a state tax law (also of 1825) into play to set limits on permissible fees, and ordered repeatedly that any other evasions of this kind must be unveiled and prevented.[50]

In Württemberg and in Hessen-Darmstadt, too, the struggle broke into the open after 1825 in public debate over new legislation. In Hessen it was a matter of a law for uniform taxation of the trades, drafted by the government—a draft so long, so technical,

[47] Popp, *Gewerbefreiheit in Bayern*, citing appendices to the Diet proceedings of 1827/28; Shorter, "Heimat Laws and Social Change," 15, citing G. Döllinger, *Sammlung der im Gebiete der inneren Staats-Verwaltung des Königreichs Bayern bestehenden Verordnungen*, XII (Munich, 1837), 1046-48; Bavarian provincial Intelligenzblätter, *passim*.

[48] BayReg, *passim*.

[49] BayUM 20 IV 1826 ff.

[50] *Intelligenzblatt der Königl. Bayer. Regierung von Schwaben und Neuburg*, 30 III 1829; BayNB, 15 IV 1829; and other Intelligenzblätter, *passim*.

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and complex that the laymen in the Diet could not puzzle out what its social and economic effects would be, and neither can I. The government did not tell the Diet what they expected the law to do, and records of their own deliberations were destroyed with the rest of the Darmstadt archives in World War II. The Diet suspected that the law was designed to favor large factories and big towns at the expense of the hometown trades. After struggling hopelessly with the draft, they proposed that local tax assessment be put in the hands of local people, rather than in the hands of bureaucrats armed with hundreds of pages of impervious and undecipherable tables. The government made its customary reply that special situations would be met in the administration of the law; and the ministerial promulgation edict would make appropriate provision. That, of course, was just what the old-Hessian members of the Diet were afraid of; and they were afraid of any law which treated them together with Rheinhessen. But wearied by hopeless worrying about details, they could present no alternative. They even conceded that officials would need the power to manipulate the tables for the sake of equity.[51] The government got its law, and issued a promulgation edict that increased the power of the administrators over against the communities beyond the law's provisions.[52] For good measure the government quietly issued an administrative edict on the old-Hessian guilds at about the same time, ordering their reorganization into districts on the pattern planned in Bavaria, under state direction. Closed guilds were abolished.[53]

In Württemberg by now there was no doubt what the debate was about. The Interior Ministry had tried to keep hometown questions out of the public political arena. But its hand was forced by an order from on high—precisely from where, is not clear—to edit and place before the Privy Council an enclosed draft for a law on "The Fellowship (*Genossenschaft*) of State Citizens with Communities." It was a very restrictive and corporatist set of proposals, as the title implied, giving decisive powers in hometown matters to town councils and strong influence to guilds. Ministry officials, currently engaged in drafting a vigorously liberal trades law, were clearly reluctant to deal with this one. But apparently they felt

[51] HDVerh 1826/27, II: 23 XI 1826, 24 XI 1826, 30 XI 1826, 30 VI 1827; HDReg 30 VI 1827.
[52] HDReg 12 XI 1827.
[53] BGK 236/5819: 159-64.

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obliged to treat it with respect, in the form of reams of technical commentary and many successive redrafts, which progressively altered and even reversed its import. In the course of a year, "*Die Genossenschaft der Staatsbürger mit Gemeinden*" became a sober "The Law of Community-Citizenship and Residence" (*Das Gemeinde-Bürger und Beisitz Recht*). Article I of the original draft had read, "The communal societies (*Gemeinde Gesellschaften*) are limited exclusively to state citizens . . . fellowship is a personal right." When it emerged from the Interior Ministry the article read, "The communities are the basic elements (*Grundlagen*) of state association (*des Staatsvereins*). Every citizen therefore [except for nobles] must belong to some community as a citizen or legal resident." Fellowship had become citizenship right; and a restriction of fellowship to Württembergers had become a requirement that the communities must accept civic responsibility and provide a degree of membership for every Württemberger.

The Privy Council, observing that the Diet would have to approve the measure, restored some of the corporatist features the Ministry had removed. The King approved most of the restorations, but not one which provided that community membership could be refused if any present member's well-being might be endangered by it. This, he said, would "open very dangerous latitude to the chicanery of the parties and the arbitrariness of community councils and to government officials as well."[54]

The Diet was already engaged in debate on trades regulations. The Württemberg Diet after 1825 was elected under strong administrative pressure and included a high proportion of disciplined state officials. The Good Old Lawyers of the teens had left the arena, and so had several disturbing figures like Friedrich List.[55] The Committee on Trades had received scores of petitions from guilds and communal corporations, but their own report talked more of English and French economic growth, which they alleged could be attributed to economic freedom. But, the report allowed, full free trade was bad because it often allowed incompetents to set up in business with the help of family connections! This doctrine must have flabbergasted those whose traditional objections to free trade bore quite contrary social expectations. Therefore, the Com-

[54] WSL E146:644/18-36 (Ministerium des Innern, Bürgerrecht); E33:G112, I, 25 (Akten des K. Geheimen Rats, Gemeindebürgerrecht).

[55] Walter Grube, *Der Stuttgarter Landtag, 1457-1957* (Stuttgart, 1957), 512-14.

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mittee went on blandly, there had to be qualifying tests and licenses; but only state officials were disinterested enough to administer them.[56] As in the hometown rule issue of 1823, the Württemberg compromise between freedom and restraint turned out to mean more power to local state officers.

A remarkably strong attack on any kinds of guilds was developed in the Diet, and in the end a generally liberalizing ordinance was approved there; most of the major guilds survived in form, but under state control. Local communal authorities were obliged to grant an applicant a license for his trade when he had his mastership and community citizenship. The citizenship grant was treated in a simultaneous new law to which I shall return. The mastership was issued by the state, at the instance of a testing commission something like the Bavarian one; its chairman was the head of the guild, but the head of the guild was appointed by the *Oberamtmann*, could be dismissed at will—and might under no circumstances be a practitioner of the trade of whose guild he was the head. He and two other persons chosen by the *Oberamtmann* dominated the commission, and for good measure the applicant himself might name an additional member if he chose. Mastership thus attained was valid everywhere in Württemberg; there could be no restrictions on whom or how many could be hired, or where products could be sold. Factories were freed of all local jurisdiction whatever, and regulated at provincial (*Kreis*) level.[57]

The Württemberg hometowners never recovered their control of the trades. Accordingly, the main instrument left to them for corporate self-protection was the community acceptance power. The provision in the draft Community Law that all state citizens must be members of some community was quickly identified in the Diet as the crucial one (the similar statement in the constitution had been contradicted in that very document, and in the confusion evaded and contravened ever since). What a promulgating edict the officials would be able to write if this new law gave them the clear mandate! They would have the power to force unwanted citizens on the communities.

[56] *Verhandlungen der Kammer der Abgeordneten des Königreichs Württemberg* (hereafter, WbgVerh), 1828 Beilagen I, 113-221; IV, 1051.

[57] WbgReg 5 V 1828; Ludwig Köhler, *Das württembergische Gewerberecht von 1805-1870* (Tübingen, 1891), 111-41.

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The hometowners in the Diet claimed that public opinion was more aroused against this legislation than against any since the creation of the Diet. They pointed to the constitutional grant to the communities of the right to decide whether to accept new members. They argued that *good* men were always voluntarily accepted; to force bad and anti-social members upon the communities was equivalent to social confiscation. Who would these new people be? they asked. Could a man who had failed in one place be expected to succeed in another? The government was simply trying to encourage Württembergers to wander around aimlessly all the time, said the hometowners. After a time Interior Minister Schmidlin lost his temper: "Up to now I have not allowed myself to speak of the narrowness and prejudice that can prevail among community councillors; I shall never accuse any single community, but the opportunity for unjust influence by private interests is obvious." The fact was, he said, that the more able and prosperous a new man was, the less willing a community was to admit him. Württembergers did not wander around without good purpose, he said; there was indeed the emigration, but that was entirely different from internal migration; nobody sought El Dorado on the Neckar.

The argument turned accordingly to whether a community might reject an applicant on the basis of "bad reputation." The government proposed the theory that it was a good thing for someone who had developed a bad reputation in one place—and not always justly —to move to another place and start over fresh. And the government wanted "bad reputation," in so far as it remained a bar, to be fully spelled out in the law, as specific actions identified and judicially condemned, by state courts. What other fair and uniform criteria could there be for an idea like bad reputation? The hometowners knew: a person's reputation is bad "when the town council and the community deputies agree that it is."

The government won, and hailed the law as a liberal measure which would facilitate social movement and so aid economic development: "We shall hold the gates open." Opponents warned of what might come of violating the natural and constitutional rights of communities "to keep themselves pure of unsuitable members."[58] The law of April 15, 1828, ordered that all citizens (except

[58] WbgVerh 1828, pp. 218-331, 615-18; Beilagen I, 1-112; Ausserordentliche Beilagen IV, 3-14.

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nobles) must become members of communities either as legal residents (*Beisitz* or *Heimatrecht*) with the right to live there, carry on a trade, and claim poor support; or as full citizens, with the right to vote as well and a share in community property. A community was legally bound to admit a new member if he was able to carry on a trade (as determined by the state commission established by the simultaneous trades law), if he had minimal property, in amounts specified in the law, and if he had a good reputation; bad reputation was specifically defined as conviction for a crime, dismissal from public office—or vagrancy. No one could be excluded on the grounds that the community, or the trade, was overcrowded. Wherever there was conflict, state officials would have the final word.[59] Another law of April 1828 declared Jews to be the same as Christians: they could join communities under the same conditions, were placed in the same tax system, and might travel and change residence freely (but officials were to keep an eye on them). Jews could enter all trades freely (but community councils could forbid new Jewish retailing establishments, or an expansion of the Jewish proportional share of any trade).[60] Follow-up instructions through the spring of 1830 extended the liberalizing powers of the officials beyond the provisions of the laws.[61]

Throughout South Germany the seizure of socially liberalizing powers by the officials during the latter twenties was meeting growing and better-formed resistance. But until 1830 the officials seemed able to control decisions on domestic administration and policy; until then they were on the offensive. The pendular swing back to the hometowners came with the political uncertainty that followed the avowedly Liberal July Revolution and its successors in Europe and Germany. During the silent twenties the political confrontation had formed and hardened. Into that alignment fed the great issues of the decades that followed: the formation of capital, of industry, and of proletariat; population growth; the question of unity with an economically and bureaucratically dynamic Prussia. On these questions, too, officials and "real citizens" saw in one another their chief enemies; and what it meant to be liberal became harder and harder to say.

[59] WbgReg 24 IV 28; WSL E146:644/51.
[60] WbgReg 8 V 1828.
[61] WbgReg 25 I 1830, 2 III 1830.

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Convention Ratification of Federal Constitutional Amendments

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The amending process of the Constitution of the United States, contained in Article V, consists of two stages: proposal and ratification. Each stage, in turn, offers two alternative procedures which can be interchanged to provide four means of effecting constitutional alteration. An amendment may be proposed either by Congress or by a national convention assembled upon proper application of the states; and an amendment may be ratified, as Congress decides, either by state legislatures or by state conventions. The latter mode of ratification strangely has been selected only for the Twenty-first Amendment; but despite its lack of use, this convention mode has had an interesting history which is here examined chronologically to explain why it has not been used more often.

The Precedent of Legislative Ratification

Inclusion of the convention mode in Article V has been reasonably attributed, in the absence of specific evidence, to the theory of popular sovereignty which prevailed in 1787 and which induced the Constitutional Convention to select convention rather than legislative ratification for its work.[1] This conclusion bases the lat-

[1] Rejecting the influence of popular sovereignty, other interpretations contend that the convention method was selected because of its greater promise for

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ter decision on a belief "that the sovereign people spoke directly through a convention elected for a specific purpose."[2] Supporting this contention are the comments of Alexander Hamilton and James Madison in *The Federalist*. Hamilton asserted that "the fabric of American empire ought to rest on the solid basis of the consent of the people—that pure, original fountain of all legitimate authority."[3] Madison declared that "the express authority of the people alone could give due validity to the Constitution."[4]

If popular sovereignty explains inclusion of convention ratification in Article V,[5] does its subsequent limited use indicate a disavowal of the people's prerogative to participate directly in national constitutional revision? The evidence indicates that failure to choose convention ratification has been due, rather, to a misinterpretation of the amending clauses. In the first instance of adding amendments to the Constitution, James Madison, a leading participant in the framing of Article V, seems to have been guided by the "connected modes concept" which inviolably coupled the modes of proposal and ratification (congressional proposal required legislative ratification).[6] Adherence to the "connected modes concept" was also manifested in the First Session of the Eighth Congress which was proposing the Twelfth Amendment.[7] Thereafter the record is silent on this point, but it is conjectured that this concept had an imposing influence on the amending process for some time

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successful ratification. It has been surmised that "if the acceptance of the original constitution had been left to the state legislatures, rather than to conventions called for the purpose, it would almost certainly have been rejected by some of them." William B. Munro, *The Makers of the Unwritten Constitution* (New York, 1930), 4.

[2] Herman V. Ames, "Recent Development of the Amending Power as Applied to the Federal Constitution," *Proceedings of the American Philosophical Society*, LXXII (1933), 92.

[3] *The Federalist*, No. 22.

[4] *Ibid.*, No. 42.

[5] Munro believed that its inclusion was due to "a feeling that the ratification of amendments by conventions in the states would often prove easier than ratification by state legislatures." Munro, 5.

[6] For a detailed explanation of this concept, see Philip L. Martin, "Madison's Precedent of Legislative Ratification for Constitutional Amendments," *Proceedings of the American Philosophical Society*, LIX (1965), 47-52.

[7] These comments concerning the "connected modes concept" are reported in *ibid.*, 50-51.

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as subsequent amendments proposed by Congress called for legislative ratification, thereby establishing a precedent not easily overcome in later years.[8]

Civil War Amendments

The lack of attention given to the convention mode of ratification in the years prior to 1860 was certainly compensated for during the Civil War and Reconstruction periods. With the nation threatened by internal rebellion, some attention was directed at formulating compromises to avert national conflict. Believing a disaster could be avoided by directly consulting the people, a few congressmen suggested amendments, which were considered satisfactory to the demands of each side, with the resolution of popular ratification by state conventions. From the time South Carolina seceded on December 12, 1860, until Fort Sumter was fired upon on April 12, 1861, seventeen proposals calling for ratification by state conventions were introduced. The strong belief in the people's ability to solve this constitutional crisis resulted in five extra-constitutional proposals requesting an assessment of public opinion on the matter. In all, twenty-one attempts were made to utilize the convention mode of ratification between December 1860 and February 1869 with the other major efforts concerning the Thirteenth and Fifteenth Amendments.

On December 18, 1860, Senator John J. Crittenden of Kentucky proposed a series of articles generally acknowledged as the first amendments calling for convention ratification. However, the precedent of legislative ratification was actually broken six days earlier by Representative John Cochrane of New York, who, also on December 17, introduced a second set of amendments to be ratified by conventions.[9] In neither case was there any discussion of the break

[8] The pattern established by the First Congress in 1789 for the ratification of amendments set a precedent which was not broken until December 12, 1860. During this time, 783 amendments were proposed, with 482 of them to be ratified by state legislatures. There are 276 amendments which did not mention the mode of ratification and twenty-five amendments which are not sufficiently reproduced in the journals and records of congressional proceedings to determine whether the mode of ratification was even included in the resolve.

[9] Several writers concerned with the subject of constitutional amendment have credited Crittenden with breaking the tradition. Very likely there has been a misinterpretation of Ames, who stated that "several notable attempts have been made to have certain amendments submitted to conventions in the several States,

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with tradition, the novelty of using the alternative mode probably going unnoticed because of the constitutional crisis, the imminence of war, and the wholesale introduction of amendments at this time. Furthermore, the House of Representatives with its limitations on debate did not afford Cochrane an opportunity to initiate any discussion of his proposals.

On December 24, Stephen Douglas proposed similar amendments which were also to be submitted to state conventions. Exercising their senatorial prerogative to speak in support of one's proposals, both Crittenden and Douglas presented the traditional defense for convention ratification. Neither man, however, was able to inspire any support for consulting the people in this manner despite their eloquent pleas espousing the convention mode's justification of popular sovereignty. When efforts to persuade the Senate to accept these compromises failed, Crittenden unsuccessfully tried referring the matter to a national referendum even though there was no no legal basis for such action.

As it became increasingly evident that Congress was not likely to agree on any compromise amendment, several of the states moved informally to call a national convention for the purpose of proposing amendments to the Constitution. At the invitation of Virginia, 136 commissioners representing fourteen slave and seven free states assembled in Washington, D. C., on February 4, 1861. This Peace Conference was not initiated under the authority of Article V by an application to Congress from the legislature of Virginia; instead, it was an extra-constitutional body with the mission of trying to save the Union through the amity of the states. Amendments suggested by this conference, therefore, would have no legal effect unless Congress accepted them, and Congress was under no legal obligation to do so. After much deliberation, the Conference eventually recommended a number of conciliatory amendments with the

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instead of to State legislatures, for their ratification or rejection. Such propositions were made in connection with several of the amendments proposed in 1860 and 1861, notably in the case of the Crittenden Amendments." Since his study was based on a compilation of amendments, Ames was obviously aware of the Cochrane Amendments. Herman V. Ames, *Proposed Amendments to the Constitution of the United States During the First Century of Its History*, 54th Congress, 2nd Session, House Document 353, Part 2 (1897), 286.

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request they be adopted by Congress and promptly submitted to state conventions. Without much comment the Conference seemed to have reached a consensus that the people's decision was desirable for its proposals.[10] However, there was no congressional action on the Conference's recommendations.

Although Congress has provided convention ratification for only the Twenty-first Amendment, one other amendment has received state ratification in this manner. The Corwin Amendment, which was submitted to the states for approval early in 1862, was ratified by a state convention. When this resolution was received by the State of Illinois, a constitutional convention was in session drafting a new state constitution. Since it was the only representative organ then officially functioning in the state, the Convention decided because of the national crisis that it should legally perform the act of ratification.[11] The constitutionality of this action was never determined, since only two other states, Maryland and Ohio, accepted the amendment.[12]

The next proposal of convention ratification came in June 1864 when the House of Representatives was considering the Thirteenth Amendment, whose resolve provided for the legislative mode.[13] Ames has concluded that this move for substitution by Representative George Pendleton of Ohio was based on the belief that ratifica-

[10] See Lucius E. Crittenden, *A Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention for Proposing Amendments to the Constitution of the United States* (New York, 1864), 128, 257-59.

[11] A majority of the Convention believed that as the supreme law-making body of the state it could act as a legislature in this instance. *Illinois State Journal*, Springfield, Feb. 13, 1862; *Journal of Illinois Constitutional Convention of 1862*, p. 450. A summary of the Convention's debates on this point is presented by O. M. Dickerson, "The Illinois Constitutional Convention of 1862," *University of Illinois Studies* (Urbana, March 1, 1905), 19-20.

[12] A later Supreme Court decision, which emphasized the congressional prerogative of selecting the mode, would seem to invalidate Illinois' ratification. *United States* v. *Sprague*, 282 U. S. 716 (1931). It is also questionable that the Convention correctly interpreted its powers. According to a leading commentary, a constitutional convention cannot govern nor perform such functions. See John A. Jameson, *A Treatise on Constitutional Conventions, Their History, Powers, and Modes of Proceedings* (Chicago, 1887), 10. For an analysis of these legal questions, see Philip L. Martin, "Illinois' Ratification of the Corwin Amendment," *Journal of Public Law*, XV (1966), 187-91.

[13] *Congressional Globe*, 38th Congress, 1st Session, 1864, XLIV, Part 4, p. 2992.

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tion by state conventions would be less successful than by legislatures, thereby defeating an amendment to which there was objection because the times were "inauspicious for changing the Constitution, the country being engaged in a civil war."[14] Although Pendleton made such an objection, he also argued constitutionally for the convention mode.[15] His primary consideration in proposing convention ratification was to have the people decide upon the amendment in specially chosen assemblies, because he did not believe that previously elected legislatures would act according to the public's will since this amendment raised a new issue.[16] Pendleton's arguments, however, did not persuade his colleagues.

During the debate on the Fifteenth Amendment, Senator James Dixon of Connecticut proposed to substitute convention for legislative ratification. According to Ames, Dixon's objection to legislative ratification seemed to be directed against the "unequal system of representation in the Connecticut legislature."[17] It appears, however, that Dixon was merely using his state as an example of the evil inherent in the legislative mode of ratification, for his major concern was having the people directly make a decision which would effect a fundamental change in the Constitution.[18] Nevertheless, the Senate was more impressed by the unsubstantiated argument of its other member from Connecticut, Orris Ferry, who contended that the convention mode had never been used because the "machinery was dilatory, expensive, and unwise."[19] History does not support this argument, but it has frequently been cited as the major reason for convention ratification not being used during the formative period of American constitutional history, when, considering the evidence, the "connected modes concept" is a more plausible answer.

[14] Ames, *Proposed Amendments to the Constitution*, 286.

[15] *Congressional Globe*, 2992.

[16] The logic of Pendleton's argument, interestingly, is similar to that later used by opponents of the Eighteenth Amendment.

[17] Ames, *Proposed Amendments to the Constitution*, 287.

[18] Dixon also used Pendleton's argument that many of the state legislatures had been elected before the amendment would be submitted for consideration. Since the amendment would increase the powers of Congress at the expense of the states, Dixon thought it imperative for the people to make the decision in ratifying conventions.

[19] *Congressional Globe*, 40th Congress, 3rd Session, 1869, L, Part 2, p. 855.

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Twentieth Century Amendments

Heretofore it has been thought that the next consideration of convention ratification concerned repeal of the Eighteenth Amendment; actually, there was an earlier discussion over this mode, when the Norris Amendment proposed an end to the "lame-duck session."[20] After passing the Senate, this resolution was rejected following considerable argument by the House of Representatives. During the latter's debates on March 9, 1928, Henry St. George Tucker of Virginia suggested the substitution of convention for legislative ratification on the grounds that the proposed change fundamentally altered the Constitution and should therefore rest upon the "sovereign power of the sovereign people of the States."[21] Opponents of convention ratification in this instance alleged that it was being proposed solely to create "an additional hurdle" in the amending process.[22]

Two other previously unnoticed efforts to use convention ratification for matters other than repeal of prohibition occurred in the First Session of the Seventy-second Congress. Anticipating the use of the convention mode for repeal, one of these amendments defined the election of delegates to ratifying conventions, while the other proposal clarified Article V by regulating the content of constitutional amendments. Despite being germane to the national plan for repealing prohibition, there was no serious consideration of either amendment.

Concerning the constitutional protest against prohibition, from the time the Eighteenth Amendment was added to the Constitution it was vigorously opposed throughout the country on the grounds that its legislative ratification did not represent the public's opinion. It was contended constantly that any change in the Constitution which affected the way people live would have to be ratified by conventions called for that specific purpose in order to validate the popular will. As the opposition grew in strength the two major political parties declared in their national platforms for the 1932 presidential campaign that a repeal amendment should be submitted to state ratifying conventions.

[20] This proposal is not to be confused with the Twentieth Amendment.

[21] *Congressional Record*, 70th Congress, 1st Session, 1928, LXIX, Part 4, pp. 4410-11.

[22] *Ibid.*, 4412.

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As soon as Congress convened in early December of 1932, resolutions of repeal providing for convention ratification were introduced in both Houses.[23] Immediately, the House of Representatives rejected its proposal, while the Senate's Judiciary Committee substituted legislative for convention ratification, thereby precipitating a heated discussion over these modes. Defending its decision the Committee first emphasized that the question had been thoroughly discussed throughout the nation, with the main issue being repeal instead of the ratifying mode. Second, not only was it believed unnecessary and unwise in view of the times to impose upon the states the expensive convention requirements of additional campaigns and elections, but it was also asserted that the federal government did not have the constitutional authority to set up the convention machinery. Finally, it was alleged that legislative ratification would be more expedient and feasible in this instance because most state legislatures, being then in session, would certainly act as soon as they received the amendment; it was doubted that more than a few of them would be able to resolve the many questions of the untried method before the sessions ended, and consequently action would be delayed for possibly two more years because of the common biennial session, or the expense of a special session would be necessary.[24] Nevertheless, opponents, who primarily wanted to fulfill the platform pledges, reversed the Committee's decision; and when the House of Representatives approved the Senate's resolution on February 20, 1933, the first national amendment requiring convention ratification was sent to the states.

To the surprise of critics the Twenty-first Amendment was ratified in record time. By December 5, 1933, two-thirds of the states had ratified the amendment, with ultimately thirty-eight formally accepting and only the two Carolinas rejecting repeal.[25] In each of

[23] Beginning in the First Session of the Sixty-ninth Congress, five earlier repeal amendments requesting convention ratification had been introduced, four in the Senate and one in the House, but none of these had been considered.

[24] U. S., *Congressional Record*, 72nd Congress, 2nd Session, 1933, LXXVI, Part 4, pp. 4140, 4148-49.

[25] There was a strange twist to rejection in North Carolina where the election of convention delegates and a referendum on the amendment were held simultaneously. For some unexplained reason, the voters chose convention delegates while voting against the amendment.

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these states the legislature provided for holding a convention.[26] On the question of congressional regulation over state ratifying conventions, although there was much inconclusive discussion in Congress, twenty states explicitly recognized in their enabling acts that any future national law governing this subject would supersede their provisions. Only New Mexico absolutely denied Congress any regulatory power over state ratifying conventions.[27]

As for the conventions themselves, there was little uniformity in their organization and procedure. Delegates to over half of the conventions were elected at large; others were chosen from varying sizes and types of constituencies and some were selected by a combination of these two methods. Membership ranged from three in New Mexico to 329 in Indiana, and compensation varied from nothing beyond travel expenses to per diem and to a fixed amount.[28]

Following ratification of the Twenty-first Amendment, efforts were made in succeeding sessions of Congress to have matters of public concern submitted to state conventions. These resolutions involved authorizing national regulation of agriculture, curtailing judicial review, directly electing the president, reinstating prohibition, and repealing the income tax. None of these proposals received any serious attention, probably because in each case adverse public opinion was not as strong as in the case of prohibition; but in the First Session of the Eightieth Congress the Senate engaged in a lively debate over the modes of ratification with regard to the Twenty-second Amendment.

This resolution originated in the House of Representatives which provided for legislative ratification, but the Senate's Judiciary Committee repeated its performance of 1932 by substituting the other mode. In addition to the traditional arguments, several new ones were used this time to defeat convention ratification. Ignoring their notorious malapportionment, several senators claimed that state legislatures were actually more democratic than con-

[26] Alabama's legislature had to overcome a governor's veto in order to establish its ratifying convention.

[27] Everett S. Brown, "The Ratification of the Twenty-first Amendment," *American Political Science Review*, XXIX (1935), 1008-09.

[28] Data for the ratifying conventions are contained in Everett S. Brown, *Ratification of the Twenty-first Amendment of the Constitution of the United States* (Ann Arbor, 1938).

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ventions which are erected as mere nondeliberative rubber stamps for the popular opinions expressed in the election of delegates.[29] Furthermore, it was maintained that since the state legislatures would be responsible for establishing ratifying conventions, the former could be resolved into conventions, thus satisfying the congressional requirement of mode.[30] Although these new arguments were not refuted, it is difficult to assess their significance in contrast to the older ones, as the Senate concurred with the House in this most recent discussion of convention ratification.

Conclusions

The history of the mode of convention ratification in Article V indicates that it has been advocated mainly during times of political and social conflict and this may account for rejection in favor of state legislatures on all but one occasion of its proposal. Certainly, being involved in controversy raises questions about the motives behind these proposals. No doubt, as its opponents have claimed, convention ratification was often proposed as a delaying tactic or as a means of defeating an amendment; but can it be said that some of the proponents were not sincere in their belief that the people should be consulted on certain resolutions which would settle a national controversy or which would make inroads on the powers retained by the people and the states? Arguments favoring convention ratification have contended that Congress should resolve national differences according to the will of the people, and that it can make fundamental alterations in the distribution of constitutional powers only if the people are willing to accept

[29] While it is true that convention delegates do act according to instructions of the ballot, this is not a valid criticism because in the case of the Twenty-first Amendment a great deal of discussion took place in Congress and in the nation as a whole before the amendment was proposed. In addition, the campaign and election of convention members afforded ample opportunity for public debate. Despite its apparent lack of deliberation, convention ratification, therefore, is more democratic since it ensures the participation of the people in the final decision of ratifying an amendment, in contrast to a state legislature which can act independently of the popular will.

[30] This interpretation of a convention, according to a state court decision, would not meet the requirement of a constituent body called for a specific purpose, in this instance ratifying a constitutional amendment. See *In re Opinion of the Justices*, 132 Maine 491 (1933); 167 Atlantic 176 (1933).

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such changes. Otherwise, it can be assumed that no one has considered convention to be superior to legislative ratification for amending the Constitution.

The most distinguishing characteristic of a state ratifying convention is that it can more accurately reflect the popular will in the process of ratification than the state legislature. A state convention is elected for one purpose only, to ratify proposed amendments to the Constitution, and its selection is not confused by other issues which are inevitably involved in the election of a legislature. Therefore, in the election of delegates to the state ratifying convention, the people are able to express clearly their will on a proposed alteration in the Constitution. Frequently, the people do not have this opportunity to pass on the question in legislative ratification, not even by voting for or against the legislators, because the legislatures usually act without waiting for an intervening election. Some states have tried to secure more conformity to the public will in legislative ratification by legally restricting the legislature's power to ratify an amendment until after an election has been held. However, these restrictions have been declared unconstitutional.[31] The convention, therefore, is the only mechanism of ratification which assures the expression of the people. Judging from the experience of the Twenty-first Amendment, it seems apparent, however, that the convention mode will be used only when there is a powerful public opinion in its favor.

[31] *Leser* v. *Garnett*, 258 U. S. 130 (1922).

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The Statutory Language of Labor Dispute Disqualification in State Employment Security Laws*

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Thirty years of a federal-state social security system finds no less heterogeneity among state programs than existed after "Twenty-Five Years of Unemployment Insurance" as recounted in the POLITICAL SCIENCE QUARTERLY in 1960.[1] Indeed, if one were to fasten upon provisions relating to disqualification from unemployment compensation benefits, a richer diversity has appeared.[2] What has persisted over the years, however, has been a uniformity of ignorance with respect to such diversity, certainly as it pertains to the subject of labor dispute disqualification. A survey of textbooks and similar source materials in the fields of personnel and industrial and labor relations as they bear upon public law, and in the field of social insurance as well, discloses a widespread lack of informative treatment and of sound analysis, or, more usual, a total lack of awareness. A most useful source for the student of employment security statutes is the federally compiled *Compari-*

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[1] Joseph M. Becker, "Twenty-Five Years of Unemployment Insurance," *Political Science Quarterly*, LXXV (1960), 489.

[2] See, for example, Michigan Employment Security Act, Sec. 29 (1) (b), Sec. 29 (n), amendments effective Sept. 6, 1963; Ohio Unemployment Compensation Law, Revised Code Sec. 4141.29 (D) (1) (a), amendment effective Oct. 20, 1963; Colorado Employment Security Act, Sec. 82-4-11 (1), amendment effective July 1, 1963.

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son of State Unemployment Insurance Laws.[3] Even here error creeps in.[4] The very POLITICAL SCIENCE QUARTERLY article referred to above reflects a lacuna in knowledge as of that date;[5] unemployment compensation benefits are paid to strikers *in other than the railroad industry* as well, as the statutory analysis that follows will reveal. (Railroad unemployment insurance is not part of the federal-state social security structure.)

To be sure, uniformities do appear among the fifty-two states.[6] The Social Security Act of 1935[7] itself contains mandatory conditions which must be written into state acts if they are to qualify for tax offsets. To insure that other federal laws and policies in the labor relations area are not violated or nullified, all approved enactments must contain the following recitals of conditions for refusal of work which may *not* be grounds for the denial of unemployment compensation benefits:

(A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;
(B) if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
(C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization. . . .[8]

In addition there has been general conformity in respect to such other unemployment compensation matters as the scope of "taxable wages" in adherence to the federal pattern. Coverage and re-

[3] U. S. Department of Labor, Bureau of Employment Security, *Comparison of State Unemployment Insurance Laws*, BES No. U-141 (Washington, D.C., Jan. 1, 1966).

[4] Letter from Forest L. Miller, Deputy Director, Unemployment Insurance Service, Bureau of Employment Security, U. S. Department of Labor, to Willard A. Lewis, Nov. 1, 1962, adopting the writer's suggested corrections relating to Ohio, California, Colorado, and Utah.

[5] "Unemployment benefits are paid to unemployed non-strikers (in the railroad industry, even to strikers)." Becker, 485.

[6] "State" as defined by the Federal Unemployment Tax Act of 1939, codified, Internal Revenue Code of 1954, c. 9, subdiv. C, Sec. 1607 (j) includes District of Columbia and Puerto Rico.

[7] Acts of Aug. 14, 1935, c. 531, 49 Stat. 620, codified in 42 U.S.C. Sec. 26, *passim.*

[8] Federal Unemployment Tax Act, Sec. 3304 (a) (5) 1939.

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porting procedures as well, and definition of such terms as "employment," have tended toward uniformity among the jurisdictions. Moreover, every state unemployment insurance act contains provisions disqualifying a claimant from benefits or withholding eligibility where: (1) he has left the employer's employment voluntarily without good cause; (2) he has been discharged for misconduct; (3) he has refused suitable employment; (4) he has been idled due to a labor dispute.

However, it is in the drafting of these particular disqualificatory provisions, and more especially in the political amending process as it has proceeded at the hands of the state legislatures over the years, that sharp variances have emerged. The varieties of labor dispute disqualification provide a case in point. Given the fiscal incentives supplied to state legislatures by the federal Social Security Act of 1935 for the enactment of state unemployment compensation laws, it is not surprising that the states turned to the Social Security Administration for guidance in framing labor dispute disqualification language in as much as approval by the Social Security Board was a precondition to qualifying for tax offsets. The federal agency obliged by preparing a number of draft bills which could be followed by state administrators in order to achieve compliance. It is at this point in the history of social insurance legislation that the source of a sharp dichotomy may be located. The draft bills proposed as models by the Social Security Board in 1936 and 1937 fell into two categories as to their respective approaches to the language of the labor dispute disqualification clause. One approach was that of the "stoppage of work" type of provision, which became the prototype for, presently, thirty of our employment security laws. A different approach was that of the "labor dispute in active progress" type of provision which has remained a hardy perennial, currently reflected in twelve other jurisdictions. The ten states which by current count cannot be classified in either category have adopted labor dispute disqualification clauses which may be traced in varying degrees to both influences. Pushing back further into the origins of the contrasting draft bills themselves, as offered by the federal government, one finds that the "stoppage of work" type of disqualification clause has its antecedents in British statutory law, whereas the "labor dispute in active progress" type of provision is rooted in the Wis-

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consin Unemployment Reserves and Compensation Act of 1932,[9] the pioneer state legislation in this area of social insurance in the United States.

The "Stoppage of Work" Type of Labor Dispute Disqualification Provision and Its British Antecedents

An example of the labor dispute disqualification provision supported by the federal Social Security Administration for a "stoppage of work" type of clause to be written into a state unemployment compensation act is as follows:

> Sec. 5. An individual shall be disqualified for benefits—
> (d) For any week with respect to which the commissioner finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, that this subsection shall not apply if it is shown to the satisfaction of the commissioner that—
> (1) He is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; and
> (2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute:
> *Provided*, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection be deemed a separate factory, establishment or other premises.[10]

This proposal, which has furnished the model for a somewhat standardized subsection (d) type of clause in thirty of the present employment security laws, was fashioned directly from the language of the trade dispute disqualification provision of the British National Unemployment Insurance Act of 1935.[11] The underlying

[9] Wis. Laws, 1931, c. 20, Spec. Sess. 1931.

[10] Social Security Board, Draft Bills for State Unemployment Compensation of Pooled Funds and Employer Reserve Account Types, 10-11 (Jan. 1936).

[11] 25 Geo. 5, c. 8, s. 26(1): "An insured contributor who has lost his employment by reason of a stoppage of work which was due to a trade dispute at the

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theories, policies, administrative principles, and judicial constructions developed around such law in Great Britain have come to the forefront in a number of leading American cases in which interpretation of our own "stoppage of work" type of disqualification provision required reference to British antecedents.

The British Unemployment Insurance Act of 1935 was itself a culmination of prior Parliamentary excursions into this particular field of social legislation. Commencing in 1911, when the first national system of compulsory insurance was set up in Great Britain by authority of Part II of the National Insurance Act,[12] the trade dispute disqualification remained a persistent, though modifiable, feature of such legislation. The initial approach in the 1911 Act was a very broad one in the sense that it cut off from entitlement to benefits all insured workers who had lost their employment as the result of a stoppage of work which existed because of a trade dispute. The rationale of this flat bar to protection from loss of employment was grounded in the policy of insuring workmen against the unemployment flowing from "fluctuations" in the trade only. Such Parliamentary policy was adopted because of the twin fear that a contrary policy would, on the one hand, amount to financing of workers engaged in a trade dispute so as to disadvantage both the employer and the economy as a whole, and, on the other hand, lead to a serious drain on the Unemployment Insurance Fund reserves in derogation of the primary objectives of

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factory, workshop or other premises at which he was employed shall be disqualified for receiving benefits *so long as the stoppage of work continues.*" (Italics added.) Milton I. Shadur, in "Unemployment Benefits and the 'Labor Dispute' Disqualification," *University of Chicago Law Review*, XVII (1950), 319-20, seizes upon the omission of the above italicized words from the American enactments as significant. He argues against the judicial construction of disqualification from benefits during stoppage of work periods that continue beyond the termination dates of causative labor disputes. However, the settled case law is contrary to his argument. See *American Steel Foundries, Inc.* v. *Gordon*, 404 Ill. 174, 88 N.E. 2d 465, 474 (1949), in which the court declares the opening words in the American (Indiana) provisions, "for any week . . . ," to be the substantial equivalent of the omitted English phrase. 25 Geo. 5, c. 8, s. 26 (1) has since been superseded by the National Insurance Act of 1946, 9 & 10 Geo., c. 67, s. 13 (1).

[12] 1 & 2 Geo. 5, c. 55, s. 84 and 87 (g) (1).

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the Act.[13] The precise wording of the relevant original dispute provision was:

> 1581. A workman is entitled to "unemployment benefits" so long as he fulfills the following conditions: . . .
>
> (4) He must not be disqualified. The following are disqualifications, namely:—loss of employment by reason of a stoppage of work due to a trade dispute at the factory, workshop, or other premises where he was employed in which case the disqualification lasts so long as the stoppage continues, but the disqualification is removed if he has, during the stoppage, become *bonâ fide* employed elsewhere in an insured trade. . . .[14]

During the brief period in 1924 when the Labour government was in office, liberalizing amendments were accomplished, including a modification of the absolute nature of the disqualification bar. Based upon a recognition that workmen could find themselves out of work in a trade dispute situation which was not of their own making, and in which they had no direct interest and were not taking part, the dispute clause underwent a transformation:

> 4.—Subsection (1) of section eight of the principal Act (which imposes a disqualification for the receipt of benefits during a stoppage of work) shall not apply in any case in which the insured contributor proves that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work, and that he does not belong to a grade or class of workers members of which are participating in or financing or directly interested in the dispute. . . .[15]

Hence, the general disqualification remained, subject to "escape" provisions which permitted insurance payments to workmen who were found to be outside the scope of the trade dispute. An additional provision for relief from application of the disqualification lay in the area of the nature and merits of the trade dispute itself. Thus the 1924 amendments also opened the door to assaying em-

[13] Marsile J. Hughes, *Principles Underlying Labor-Dispute Disqualification*, Attachment to Unemployment Compensation Program Letter No. 124, misprinted as Letter No. 000 (Federal Security Agency, Social Security Administration, Washington, D. C., 1946), 1.

[14] 1 & 2 Geo. 5, c. 55, s. 84, 87.

[15] 14 & 15 Geo. 5 (No. 2) Act, 1924, c. 30.

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ployer fault. In so doing the amendments lifted the statutory bar under the following circumstances:

> ... or that the stoppage is due to an employer acting in any manner so as to contravene the terms or provisions of any agreement existing between a group of employers where the stoppage takes place, or of a national agreement to either of which the employers and employees are contracting parties.[16]

As a result, for the first time, the administrative rules and the decisions of the umpire began to reflect a departure from the doctrines that the merits of the trade dispute were immaterial to any determination of a claimant's rights to entitlement under the Act.

This state of affairs was short-lived, however, for the Unemployment Insurance Act of 1927, as well as narrowing the opportunity for relief from disqualification provided by the general language of the section, repealed the "employer fault" exception by reciting:[17]

> 6. Subsection (1) of section four of the Unemployment Insurance (No. 2) Act, 1924, shall have effect as if there were substituted for the words "members of which" the words "of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom," and as if all the words after "in the dispute" were omitted.

Such Parliamentary action was in accordance with the recommendations of the Unemployment Insurance Committee which sought a return to neutrality on the part of the government, leaving to the employers and to the trade associations and combinations of working men the full freedom of collective agreements in lieu of reliance upon disqualification from benefit payments as a government-exercised weapon.[18]

The final effort of Parliament in formulating a solution in this area is represented by the Unemployment Insurance Act of 1935, which sets forth what has become in large measure the wording of more than a majority of the Employment Security Laws obtaining in the United States, for it was that British statute which served

[16] *Ibid.*

[17] 17 & 18 Geo. 5, c. 30.

[18] Mary B. Gilson, *Unemployment Insurance in Great Britain* (New York, 1931), 54.

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as a prototype for the Federal Social Security Administration model drafts. This trade dispute disqualification language is as follows:

> 606. An insured contributor who has lost employment by reason of a stoppage of work which was due to a trade dispute at the factory, workshop, farm, or other premises or place at which he was employed is disqualified from receiving benefits so long as the stoppage of work continues.
>
> 607. The insured contributor is not disqualified by reason of a trade dispute, if, during the stoppage of work, he has become *bona fide* employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation.
>
> Further, the trade dispute disqualification does not apply to a claimant who, although he lost employment by reason of a stoppage of work due to a trade dispute at the factory, workshop, farm, or other separate premises or place where he was employed, proves (1) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and (2) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises or place at which the stoppage is taking place, any of whom are participating in or financing or directly interested in the dispute.[19]

As a matter of broader interest it might be observed that the outstanding national unemployment insurance systems in Europe have uniformly contained labor dispute disqualification provisions. Germany, by original enactment of July 1927, disqualifies where unemployment is caused directly by a trade dispute, or, indirectly by a trade dispute if it entails no hardship; Belgium, by original enactment of December 1920, disqualifies where unemployment is caused by a strike or lockout and it can be proved that the insured is interested in the outcome of the dispute or is a party to an organization giving support to the strike of a non-industrial character; and Switzerland, by original enactment of October 1924, disqualifies where unemployment is caused by a labor dispute, for the period of the dispute and for thirty days thereafter.[20]

[19] 25 Geo. 5, c. 8, Halsbury's *Laws of England* (2nd. [Hailsham's] ed., London, 1940), XXXIV, 519-24.

[20] *An Historical Basis for Unemployment Insurance, A Report Prepared for*

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In reviewing the legislative chronology of the "stoppage of work" type of labor dispute disqualification clause, it might prove useful to refer to the annotations supplied by the Federal Security Administration as guideposts to those states which leaned toward this type of provision. Of special interest is the care taken in emphasizing government non-involvement as to the merits or demerits of the labor dispute itself. Thus:

> *Labor dispute disqualification:*—This provision represents an attempt to place the unemployment compensation system in a position of strict neutrality in labor disputes. Provision is so drafted as to confine its operation to the workers who are actually concerned in the dispute, and to protect other workers from loss of benefits due to a strike that affects their work indirectly. It does not apply for any week unless all of the following conditions obtain during the week: (1) a stoppage of work exists at the premises at which the individual is or was last employed; (2) the stoppage is due to a labor dispute at such premises; (3) the individual's employment is due to the stoppage; and (4) the individual is not relieved of disqualification under the "escape clause" discussed below.[21]

The "Labor Dispute in Active Progress" Type of Disqualification Clause

As distinguished from the "stoppage of work" type of labor dispute disqualification clause, the "labor dispute in active progress" type appears to be a device indigenous to the United States. Its formulation is to be found in the Wisconsin Employment Reserves and Compensation Act of 1932, and therefore it predates not only any language which has been enacted into our other fifty-one unemployment compensation laws, but even the mother statute, the Social Security Act, itself. The phraseology of this original law is as follows: "An employee who left (. . . or lost) his employment with an employer because of a strike or other bona fide labor dis-

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the Employment Stabilization Research Institute, University of Minnesota, by Industrial Relations Counselors, Inc., of New York (Minneapolis, 1934), Appendix II, 202-03.

[21] U. S. Department of Labor, Bureau of Employment Security, Manual of State Employment Security Legislation (Washington, D. C., 1940), 504-05.

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'pute is not eligible for benefits . . . for any week in which the strike or other bona fide labor dispute is in active progress. . . ."[22]

A more common phrasing is: "An individual is disqualified for benefits for any week with respect to which the commission finds that his unemployment is due to a labor dispute which is in active progress at the factory, establishment or other premises at which he is or was last employed. . . ."[23] Guidance in the framing of this particular formula for the "labor dispute in active progress" type of disqualification provision had likewise been furnished in model draft bills by the Federal Social Security Administration. However, as early as 1940 the Administration was itself appraising the merits of the "stoppage of work" type of clause versus the "labor dispute in active progress" type; upon considered analysis, the difficulties besetting the latter appeared to outweigh those of the former. Such a point of view was manifested officially in the following statement:

> Consideration has in the past been given to disqualification for unemployment due to a "labor dispute in active progress" rather than to a "stoppage of work" which is due to a labor dispute. The "dispute in active progress" concept, however, is so difficult of precise determination that it would seem to necessitate an arbitrary limit on the duration of the disqualification so that the agency would not be faced with the problem of determining whether a dispute is still "in active progress" several weeks or months after it begins. Such a limit has serious implications in the event of a prolonged strike involving a large number of workers. The "stoppage concept", on the other hand, is more susceptible to determination by objective standards.[24]

The jurisdictions which adhere to this type of dispute disqualification provisions as a measure of both the eligibility and the duration of the disentitlement are: Alabama, California, District of Columbia, Florida, Kentucky, Louisiana, Minnesota, Nevada, North Carolina,[25] Oregon, South Carolina, Tennessee, and Wisconsin.

[22] Wis. Laws, 1931, c. 20, Spec. Sess. 1931.

[23] Oregon Statutes, Ch. 657, Sec. 200 (1).

[24] Manual of State Employment Security Legislation (1940), 505.

[25] In those instances where the claimant's unemployment is "caused by a labor dispute at another place, within or without this State, owned and operated by the same employing unit . . . ," the North Carolina statute shares in the "existence of labor dispute" concept. North Carolina Employment Security Act, Sec. 96-14 (4).

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Michigan abandoned the "stoppage of work" approach in favor of a return to "labor dispute in active progress" in 1963. However, apart from the central theme of whether a stoppage of work must be found to exist as the result of a labor dispute before entitlement to benefits is forthcoming, or whether a finding need only be made that a labor dispute is in active progress, the additional provisos relating to *participation in, financing,* or *being directly interested in* the dispute, and to *grade and class* and to *separate branches,* which appear in the standard federal draft model, remain in varying degrees common to many labor dispute disqualification provisions. Indeed, there are only nine jurisdictions which offer no relief whatever for claimants who, though unemployed by reason of a labor dispute situation, are removed from involvement therein. Of these, Delaware is a "stoppage of work" type of state; Alabama, California, Kentucky, Minnesota, North Carolina, and Wisconsin are examples of "labor dispute in active progress" types of states; Ohio is an "existence of labor dispute" type of state, and New York is a "fixed period disqualification" type of state.

The "Existence of Labor Dispute" Type of Disqualification Clause

Arizona, Arkansas, Colorado, Connecticut, Ohio, and, now, Idaho, without incorporating the concept of "stoppage of work" as a condition precedent to a finding of disqualification from, or ineligibility for, unemployment compensation, have nevertheless sought to avoid the difficulties of measuring the "active progress" of a labor dispute by phrasing their disqualification clause so as to deny benefits for so long as the claimant's unemployment is *due to a labor dispute* or to the "existence of a labor dispute." Arkansas denies eligibility for unemployment compensation benefits where the claimant has "lost his employment or has left his employment by reason of a labor dispute."

Although in the past the Ohio law had, along with Arkansas, continued the disqualification for "so long as such labor dispute continues" and also "thereafter for a reasonable period of time necessary for such factory or establishment to resume normal operations," both of these phrases have been deleted by the Ohio legislature. Colorado, though, has recently added to its statutory language the extension of the labor dispute disqualification "for

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such reasonable period of time, if any, as may be necessary for such factory, establishment, or other premises to resume normal operations." North Carolina has adopted comparable wording.

Fixed Period Disqualification Clauses

Radically different are the labor dispute disqualification provisions of the laws of New York and Rhode Island. The former declares:

> The accumulation of benefit rights by a claimant shall be suspended during a period of seven consecutive weeks beginning with the day after he lost his employment because of a strike, lockout, or other industrial controversy in the establishment in which he was employed, except that benefit rights may be accumulated before the expiration of such seven weeks beginning with the day after such strike, lockout, or other industrial controversy was terminated.[26]

Thus the New York statutory provision suspends all benefits for a fixed seven-week period to which an additional one week must be added as a statutory "waiting period." Following this period, although the labor dispute may continue, the bar is lifted absolutely and benefits are payable for so long as the claimant's unemployment is due to the "industrial controversy," and the claimant is otherwise eligible.

Rhode Island applies the same fixed disqualification period approach as New York, except that the denial of benefits is for a six-consecutive-week period plus a one-week "waiting period," and the more traditional term "labor dispute" is used.[27]

Employer Fault Provision

The efforts of England's Labour government to write into its National Unemployment Insurance Act relief from disqualification where employer conduct was in contravention of collective labor agreements has been echoed in some of the labor dispute disqualification provisions now current in our country with added variations. For example, Alaska, Arizona, and New Hampshire will not withhold benefit payments to entitled claimants if the labor dispute arises out of the employer's failure to comply with the

[26] New York State Labor Law, as amended, Art. 18, Tit. 6, Sec. 592-1.
[27] Gen. Laws of 1956, as amended, Ch. 42-44, Sec. 28-44-16.

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provisions of a collective bargaining instrument; Alaska, Arizona, Montana, Utah, and West Virginia award unemployment compensation to claimants unemployed by reason of a labor dispute if the dispute arises out of the employer's failure to conform to any law of the United States, or the state, on such matters as wages, hours, working conditions, or collective bargaining, or where (West Virginia) the dispute arises out of an employe protest against substandard working conditions. Finally, twelve jurisdictions expressly exclude lockouts from the definition of labor disputes so as not to preclude the right of claimants to eligibility for unemployment benefits in labor dispute situations which are precipitated by such employer action: Arkansas, Colorado,[28] Connecticut, Kentucky, Maryland, Michigan,[29] Minnesota, Mississippi, New Hampshire, Ohio, Pennsylvania, and West Virginia.[30]

Comparing Statutory Labor Dispute Disqualification Provisions

The wide varieties existing among the fifty-two labor dispute disqualification clauses which appear in as many unemployment compensation laws serve to document the observation by the British Unemployment Insurance Commission in its 1927 report that no provision on the subject matter of trade disputes could be wholly satisfactory.[31] As Becker has pointed out with regard to general state programs,[32] due partly to continuing experimentation by the states and partly to the changing political power structure from

[28] By amendment in 1963, Colorado excluded lockouts where the claimant's unemployment is due to a lockout involving a multi-employer bargaining unit member or other, resulting "from an effort on the part of the employer to deprive the employees of some advantage they already possess." Colorado Employment Security Act, Sec. 82-4-9 (1).

[29] By amendment in 1963, Michigan excluded lockouts where the claimant's unemployment is due to a lockout "in any other establishment within the United States" functionally integrated with and operated by the same employing unit. Michigan Employment Security Act, Sec. 29(1)(b).

[30] In California, Colorado, and Utah lockouts have been excluded by judicial construction of statutory language. See Willard A. Lewis, "The Law of Unemployment Compensation in Labor Disputes," *Labor Law Journal*, XIII (1962), n. f, later adopted by the Unemployment Insurance Service, Bureau of Employment Security, U.S. Department of Labor, and incorporated into its *Comparison of State Unemployment Insurance Laws* as of January 1, 1966, as n. 3, Table ET-5, p. ET-13.

[31] Hughes, 2.

[32] Becker, 489.

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year to year within the states, "it is even more difficult now than it was in 1935 to devise one system acceptable to all." Nonetheless, there are seven important concepts which provide a frame within which all such disqualification provisions can be viewed and compared:

(1) Stoppage of work
(2) Labor dispute
    (a) Due to a labor dispute in active progress
    (b) Due to a labor dispute
    (c) Fixed period
(3) Lockout exclusion
(4) Establishment
    (a) Separate branches
(5) Escape provisos—participating in, financing, directly interested in
(6) Escape provisos—grade or class
(7) Employer fault provisos

Additional differences in language are reflected in a variety of ways: "labor dispute" becomes "trade dispute" or "strike" or "other industrial controversy"; "establishment" appears alone or coupled with "factory" and "other premises"; changes are rung on the terms "grade or class" so as to include "department or unit"; definitions of "labor dispute" are written in; multi-establishment language is adopted; added escape provisos occur; clauses are incorporated covering periods of unemployment prior to the resumption of normal operations, or in anticipation of a strike, or during peaceful collective bargaining negotiations. One notable example of complexity in labor dispute disqualification revision is seen in the 1963 rewriting of the Michigan Employment Security Act's Section 29, now *sui generis* with respect to other state laws. Not only does the new language introduce the concepts of "shutdown and start-up operations" and multi-establishment functional integrality, but adds constructional guides for "directly interested" and "grade or class" which embody three sets of alternate conditions and seven kinds of relevant evidence. The clause has grown from 343 to 879 words. Such complexity may, however, provide avenues of clarity as well as of interpretative difficulty.

Close distinctions among the heterogeneous state laws, embed-

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ded in language of statutory variance makes comparisons difficult and assessment of comparative effects of labor dispute disqualification clauses often meaningless. In tabulating state differences error can occur. Thus this writer would argue that, based upon Section 29 (1) (b) of the Michigan Employment Security Act, Michigan should be classified as a "labor dispute in active progress" jurisdiction rather than under "other" as appears in the U.S. Department of Labor's published labor dispute disqualification Table ET-5. To permit of more refined comparisons for students of public law, perhaps the tables prepared by the author for the W. E. Upjohn Institute for Employment Research Study become appropriate.[33] Four tables are employed to express (1) Disqualifying Causes of Claimants' Unemployment, (2) Situs of the Labor Dispute, (3) Escape Provisos, and (4) Duration of the Disqualification. The key labor dispute disqualification concepts are thereby delineated comparatively, together with some of the multiple factors alluded to above.[34]

Judicial Construction

Quite apart from the complexity and the marked contrast among the fifty-two statutes in their treatments of labor dispute disqualification through the express language set forth, another whole world of heterogeneity (and of homogeneity) is opened up when one examines the decisional law of administrative tribunals, lower courts, and appellate courts interpreting the words of the statutes.[35] Each of the significant words and phrases (including some without apparent significance) has been contested in adversary unemployment compensation proceedings. Upon judicial review, they have been interpreted by the courts in accordance with canons of construction in a manner calculated to be most expressive of the

[33] Compare *Comparison of State Unemployment Insurance Laws*, p. ET-13, and Lewis, *Unemployment Compensation Law in Labor Disputes: Michigan Compared With Seven Selected States, 1936-1964* (Kalamazoo, 1964), Appendix, Tables 1-4, pp. 60-63.

[34] See Lillian Chutroo, *The Establishment in Labor Dispute Provisions of State Unemployment Compensation Laws:* Report Prepared for the New York State Advisory Council on Employment and Unemployment Insurance (March, 1963), mimeographed, Tables 1-4, pp. 21-28.

[35] See Lewis, *Unemployment Compensation Law in Labor Disputes*, for a comparison of Michigan Supreme Court decisional law with that of the appellate courts in seven selected states.

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legislative intent.[36] The judges in scrutinizing the statutory language of labor dispute disqualification have also been impelled to study other provisions of the employment security laws relating to such matters as declarations of purpose, burden of proof, misconduct disqualification, voluntarily leaving disqualification, definitions, eligibility provisions, and judicial review. Further, federal laws, other state enactments, state legislative history, common usage, and legal precedent have been considered by the courts. Hence, differences among state provisions in this particular area of social insurance may prove to be even more aggravated than a first glance discloses.

Conclusion

Within the broader context of differences among state unemployment compensation laws as to contribution rate structures, charging methods and coverage, rating formulas, taxable wage bases, fund balance conditions, benefit levels and durations, and eligibility requirements, labor dispute disqualification provisions also deserve attention. This is all the more true because the subject-matter is charged with overtones of labor-management conflict and with putative claims of effects upon a state's "business climate." A more sophisticated familiarization would abort the common conclusions that all such laws deny benefits to strikers; or, that *all* workers idled by labor disputes are entitled to benefits. Such oversimplification and distortion would yield to recognition of the following kind of observation: (1) In "stoppage of work" type of states, strikers who are otherwise eligible may draw benefits, if the strike did not result in a "stoppage of work."[37] (2) In "fixed period" type of states, strikers who are otherwise eligible may draw benefits following the expiration of the statutory period. These are but two of the many propositions that may be derived from a closer study of the statutory language of labor dispute disqualification.

[36] See also Lewis, "The Law of Unemployment Compensation," 174-96; *idem*, "Strikes and Unemployment Insurance," *Preparing for Collective Bargaining*, Studies in Personnel Policy, No. 182 (New York, 1961), 61-78; *idem*, "Jobless Pay During Labor Disputes," *Management Record*, XXII (1961), 5-12; *idem*, "The Concept of 'Labor Dispute' in State Unemployment Insurance Laws," *Boston College Industrial and Commercial Law Review*, VIII (1966), 29-54.

[37] Based upon judicial construction.

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Book Reviews

The Icon and the Axe: An Interpretive History of Russian Culture *by James H. Billington. New York, Alfred A. Knopf, 1966. —xviii, 786, xxxiii pp. $15.00.*

This is an enormous book and for richness of detail on Russian culture of the later eighteenth and the nineteenth centuries there is, to my knowledge, nothing to match it in Russian, let along in English. Such detail really deserves a close examination, for it is the details that make up the whole, that interest the historian; and in a book of this size inevitably there are omissions, misunderstandings, errors. Limitations of space do not allow us such an examination and this may be just as well, for they force us to see the book as a unity, to consider the premises, implications, and consequences of an interpretive history of Russian culture.

Professor Billington is explicit and clear about his premises: he accepts the Webster's dictionary definition of culture as a "complex of distinctive attainments, beliefs and traditions." He feels that

> there has been a kind of unity in most of Russian culture, a feeling that individual Russians and separate artistic forms are all in some sense subordinate participants in a common creative quest, philosophic controversy, or social conflict. To be sure, Mendeleev's chemistry, Lobachevsky's mathematics, Pushkin's poetry, Tolstoy's novels, Kandinsky's paintings . . . can all be appreciated with relatively little reference to their Russian background. . . . But most of Russian culture—indeed much of that created by these truly European figures—acquires added meaning when set in the Russian context. Some understanding of the national context of individual creative activity is more necessary in the case of Russia than of many other national cultures (p. ix).

Though one does not quite grasp the relevance or validity of the last sentence, the general meaning is quite clear: That there is such a thing as a

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national culture, and that one can demonstrate the common denominators for Lobachevsky, Tolstoy, and Kandinsky. Billington also argues, correctly, that Russian national culture should be examined in its own terms "rather than . . . primarily in terms of the ideas, institutions and art forms of the West" (p. viii).

For Billington Russian culture is the result of three great forces: "the natural surroundings, the Christian heritage, and the Western contacts of Russia . . . hover bigger than life over [these] pages. . ." (p.ix). One may feel a little disturbed by some of these assumptions—that very tired abstraction, the "West," for instance (Italy? Poland? Germany? Scandinavia? or France and England, which is what we generally mean?)—but they are explicit enough. It remains for us to note two assumptions which are implicit: First, culture is the product of men, so when we speak of a national culture we have to premise a national character. This premise Billington accepts fully if only implicitly. His position is far less clear on the second necessary assumption—namely, the nature of causality and processes of cultural history and hence of national character: If culture and character are formed by historical environment and circumstances (and, in turn, affect environment and events) then, in so far as circumstances necessarily change, culture and character must change in some way as well. We should find as many if not more discontinuities as continuities and should be forced to redefine culture and character through time.

How are these categories and premises applied? After positing the unity of Russian culture Billington goes on:

> As a result of this feeling of common involvement and interdependence, the kind of debate that is usually conducted *between* individuals in the West often rages even more acutely *within* individuals in Russia . . . their [Russian] creativity often bespeaks "a vast elemental strength combined with a relatively weak sense of form." The exotic contours of St. Basil's Cathedral, the unorthodox harmonies of a Musorgsky opera, the impassioned vernacular of a Dostoevsky novel offend the classical spirit (p. ix).

While still in the Preface we are already in serious methodological trouble. First we have a logical vicious circle: the features and aspects of the Russian national character—weakness of form, interiorization, interdependence—which were to be demonstrated on the basis of evidence, suddenly appear as a given, to be accepted on the authority of a sentence quoted from Berdiaev. Second, the ideal of judging culture in its own terms is already dismissed for the sake of the "individual in the West" and of the "classical spirit," which is surely not Russian. As a result, the evidence Billington offers is irrelevant and meaningless. Surely the "classical spirit" would get equally upset over exotic St. Mark's in Venice,

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over the unorthodox harmonies of Mussorgsky's contemporary, Wagner, and over the vernacular, impassioned or not, of Dostoevsky's contemporary, Melville.

Though Billington is concerned with the last five centuries of Russian history and culture, he surveys the impact that nature as environment made on the Russians throughout their history. During the Kievan period the Russians are a "simple warrier people," living in the steppe and sharing the insecurity of other peoples who lived in the harsh and infertile (?) eastern plain (pp. 9-11). With the decline of the Kievan state, the Russians moved northeast, into the forests, and it is the forest which overshadows their life (Chap. 2): isolation, hospitality, concern with physical and metaphysical fire, the primacy and symbolism of the axe, the fear and insecurity evoked by gnawing insects and rodents, typhus-lice, and rats result from life in the forest. Overarching these different environments, steppe and forest, is the Russian cult of the earth, the "telluric sense of communion with the earth" (p. ix), the metaphor of the "mother damp earth" which runs through popular culture. Because of this obsession "Russian language retains many earthy overtones that have been filtered out of more sophisticated European tongues" (p. x).

At issue here is not the validity of the last assertion, nor the significance, for national character, of the change from steppe to forest and the natural conclusion that for medieval man, in steppe *or* forest, nature was an enemy which he feared; nor the fact that, despite Billington's assertion that the Black Death ravaged Russia more than it did Western Europe (hence fear of lice), epidemics were and are always worse in crowded cities and towns than in sparsely populated countryside. The issue is the significance of these facts. There is little doubt about the persistence of a Russian earth-cult, but what does it mean, what does it account for? A recent brilliantly provocative essay on this, by A. Besançon ("La relation à Dieu dans le Christianisme Russe," *Cahiers du Monde Russe et Sovietique*, VII [1966], 189-220) explicitly adduces and interprets the evidence in Freudian terms. Billington does not go that far. The premise of Russian reaction to nature—fear—emerges as the conclusion—Russians feared their environment; the conclusion remains, so to say, on the same level as the premise, and hence explains nothing and cannot be applied to explain other facts and events on different levels. The question remains. And if the reader can find a "telluric" sense or concern easily enough in Tolstoy, he will have some trouble finding it in the mathematics of Lobachevsky, the paintings of Kandinsky, or the writings of Pushkin and Dostoevsky, just as he will have difficulty finding it in the mathematics of Hibbert, the paintings of Kokoschka, or the writings of Byron or Flaubert.

The second great determinant of Russian culture and character was

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Eastern, Byzantine Christianity. Amongst other things Billington points out that "the early Russians [ninth and tenth centuries] were drawn to Christianity by the aesthetic appeal of its liturgy" (p. 9); that Russian Christianity was distinguished by its eschatological emphasis verging on "psychosis" (p. 12), by the cult of the Virgin, by the obsessive emphasis on the esthetic and the visual manifested by the ubiquity of Russian religious images, icons. The icon, painted on wood, displayed the connection between Russian Christianity and Russian forested nature. Again, small questions arise: Is the "Muscovite eschatological psychosis" specifically Russian as compared to the same psychosis current throughout medieval and particularly late medieval Western Europe? Is the cult of the Virgin significantly Russian and if so, what do we do with Spain and Latin America? But the basic issue is still that of significance. When Billington writes about the esthetic appeal of Christianity, the statement is either meaningless, applying as it possibly does to all primitive peoples, or simply presumptuous. But he is right about the role of icons in Russian culture; the question is, What does that mean? Surely it is important that the Russians collected icons while the medieval "West," for instance, collected relics. Did it mean only that the Russians were better theologians and followed the medieval hierarchy of the senses in which vision was the highest sense? I do not think Billington would accept this, but he provides no answer of his own. He does suggest a connection between icons and the ubiquitous photos of Stalin, but one has only to think of Hitler or even of European monarchies of the nineteenth century to find this unconvincing.

But to go on with the problem of Christianity. Another liturgical item, the bell, represented the connection between Christianity and city life in Russia (pp. 37 ff.). First among "large metal objects to be manufactured indigenously," the bell distinguished the city from the country and symbolized for city life what the axe did for the peasant. Furthermore, according to Billington, psychologically the bell is to be associated with another large metal object of early manufacture, also symbolizing the walled city—the cannon. During the centuries the cannon replaced the bell as the obsessive subject of concern and fascination, manifested by the 1812 Overture of Tchaikovsky and, finally, by Stalin who "was neurotically preoccupied with massed artillery formations throughout the Second World War" (p. 42). Well, what about bells and, particularly, cannon? On these and Stalin, Billington simply sounds silly. There is no need to argue, in this connection, the consequent neurosis of Napoleon or the economic and technical advantages, for the Soviet Union, of producing artillery instead of its substitute-flying artillery—airplanes. But given the Russian obsession with cannon the interesting and interpretive prob-

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lem is its meaning: were and are the Russians obsessed with cannon because they like noise, because they like to kill, or because a cannon is a sublimated penis? All we are told by Billington is that the whole thing is neurotic.

The problem of Russian contacts with the West takes up the greatest part of the book and though it may be unfair to give but one minor example of this aspect, it will have to do. Discussing Hegel, Billington writes: "More than any other single man, he changed the course of Russian intellectual history during the 'remarkable decade' from 1838 to 1848" (p. 324). If this is so, if one man can, not simply influence, but *change* the course of intellectual history, with what kind of causality for intellectual history are we left? And what is there left of national culture and character if they can be changed by one man in the course of one decade?

Any reviewer, and particularly one of a book so big, may be accused of using what has been called the "consumer approach," that is, picking bits and snatches out of context to fit a particular interpretation. To this I plead innocent; but, because this is a massive, erudite, and rich book, one can ask much of it. And because of its qualities of erudition and thought it is a striking example, beyond the limits of Russian history, of the fact that in the new and difficult aspects of historiography—culture, national character—our categories of analysis and our methodology are, to put it mildly, inadequate.

Inadvertently, I think, Billington agrees with this judgment. On the first page of his Preface he wrote that "the Icon and the Axe," "two artifacts of enduring meaning to Russians," were chosen by him for the title to indicate the ironic perspective in Russian culture. And his last chapter, whose content one can easily guess, is entitled "The Irony of Russian History." This simply won't do. Irony, either as historical description or interpretation, smacks of intellectual bankruptcy. It is an historian's refuge either when things do not work out the way he would like them to or the way they "should," or when he can make no sense of the process. In that sense, of course, all history is, or could be, ironic. Not only Russian, but German—from Goethe to Hitler, American—from the revolutionary heritage and tradition to the present American world posture, British—from incredible imperial glory and wealth to the problems and solutions of Harold Wilson. Yes, history is ironic, and so is life and so on, until we all feel sixteen again.

Billington writes that the two objects he chose to symbolize Russian culture were traditionally hung together in a place of honor on the wall of the Russian peasant's hut. I have not been able to find any evidence for such a custom, and I would welcome a reference. This is not the point,

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however, for I am sure Billington has the references. The title is evocative, symbolic, poetic (one awaits the epigones, with "Sword and Relic" for medieval Europe, "Fan and Bow" for Japan, and "God and Cod" for early New England, though I think that has been used already). But poetic imagery, symbolism, metaphor reveal or should reveal a truth, even a higher truth. They cannot be substitutes for it.

MICHAEL CHERNIAVSKY
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Soviet Strategies in Southeast Asia: An Exploration of Eastern Policy under Lenin and Stalin *by Charles B. McLane. Princeton, Princeton University Press, 1966.—xv, 563 pp. $12.50.*

This study is mainly an encyclopedic summary of events that register the growth of communism over the years 1920 to 1954 in Indonesia, Indochina, Burma, Malaya, the Philippines, and Thailand. A brilliant opening chapter and two concluding sections suffice to make Professor McLane's study a significant contribution to the understanding of these events. The bulk of the book, however, consisting of innumerable facts set forth in staccato sequence, does not always support the following sentence on page 480: "Drift and indecision, then, characterize Soviet Eastern policy during most of Stalin's rule and one might well ask what purpose a *doctrinal* interest in the East served if so little thought was given to an *operational* program supporting it." It is one of the book's merits that it treats doctrine as a peripheral rather than a central factor. Nevertheless, its weakest side is its over-dependence on quotations from Soviet orientalists and such journals as *New Times*, at the expense of a comparative neglect of operational attitudes. It was beyond the author's limited aim to deal with Japan and the new watershed created in the East by her defeat, noted in detail but not was a whole. But a more comprehensive comparative balance between Stalin's problems in all parts of the world would have made this book more meaningful. Southeast Asia was peripheral for F.D.R. as well as Stalin until Hitler was defeated. Japan's collapse followed before Soviet (or any) Asian policy was readjusted. Professor McLane correctly emphasizes the significance of Zhdanov's speech of September 1947, dividing the world into two irreconcilably hostile camps, the first systemization of the cold war. What we need to know to keep this in perspective is the fact that the Sino-Soviet split was already hot, though not public until more than a decade later. Stalin op-

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posed the civil-war counterattack by Mao in 1947; he tried to purge Mao just before he came to power by means of the Indian C.P. attack on his as "Titoist and Browderite"; the arrest and deportation of Anna Louise Strong as an "American spy" was to stop the circulation of her Maoist writings; and the simultaneous purge-death of Michael Borodin had its origin in the split. It is an obvious error when McLane finds the first questioning of the "Chinese model" for the colonial countries by the C.P. India "late in 1950" (p. 452). In the *Communist* (India) for June-July 1949, while the leftist Ranadive was secretary, the following sentence is found: "It is impermissible for communists to talk lightly about new discoveries, enrichment, because such claims have proved often to be a thin cloak for revisionism (Tito, Browder, etc.) . . . some of Mao's formulations are such that no communist party can accept them." There is no question that this diatribe was inspired by Stalin, and by Zhdanov's speeches previous to his death in 1948. It took Mao and his associates some fifteen years to turn the tables on Moscow and attack the Russian leaders as revisionists, or perhaps as Browderites, while himself adopting the so-called Stalin-Zhdanov line. All these comments do not by an iota reduce the value of McLane's book as an unequalled mass of information; I learned things about myself I never knew before. A superb thirty-page chronology of events in Southeast Asia as well as in Moscow and China, in addition to an extensive bibliography, add much to an already valuable book. The chronology ends with 1954; the more recent events, not only in Moscow and Peking but in Indonesia, Malaya, and Indochina would broaden and perhaps modify the book's conclusions considerably.

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The Revolution of the Saints: A Study in the Origins of Radical Politics *by Michael Walzer. Cambridge, Mass., Harvard University Press, 1965.—x, 334 pp. $6.95.*

This is an ambitious book and a remarkably successful one. One of the most characteristic features of modern politics is the organized radical, the dedicated ideologue voluntarily committed to the tight discipline of doctrine and party. Familiar enough in the twentieth century, he is historically a newcomer, emerging—as this book argues—in the Calvinist ambience of sixteenth- and seventeenth-century England. The author has

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set himself the task not only of investigating these first political radicals but also of attempting a typology, on Weberian lines, of the modern radical. He has begun by arguing that Calvin is as important an innovator in political thought as Machiavelli, and in a brilliant chapter he surveys the basic political conceptions of the Genevan reformer. He makes clear Calvin's Hobbesian view of authority as well as his ambivalence toward its exercise and abuse. There follows a discussion on the earliest development and application of Calvinist political thought—among the Huguenots—but this serves mainly as an introduction to the central theme of the book—the emergence of the first fully developed political radicals in early modern Europe, the Puritans of Tudor and Stuart England. The book stops short about 1640 and excludes the sectarians of the Civil War and later periods.

Puritanism has been much investigated and much debated; Mr. Walzer's treatment is new and richly illuminating. He spends several chapters on a somewhat neglected group—the Puritan clergy of the first generation—up to about 1600. In these alienated intellectuals, at odds with the established church, he sees the emergence of the basic radical traits—absolute rejection of an existing order, the schema for a regenerated social order, and the voluntary submission to impersonal group discipline. He explores the strands of Puritan thought which were particularly important in the dissolution of traditional political notions, above all, the Puritan repudiation of an organic conception of politics in favor of a much more artificial (and Hobbesian) view. The remainder of the book is focused on the Puritan gentry—the lay saints—whose leadership in the later stages of the English Revolution turned Puritan ideals into revolutionary fact. At the close of the book Professor Walzer suggests a schema for the general characteristics of the revolutionary in modern politics and invites comparisons with other such groups—the Jacobins or the Bolsheviks.

The author uses a large and varied range of contemporary material with perception and intelligence. He does not allow his interest in establishing a typology to betray an accurate and subtle sense of historical proportion. He is careful to trace the limits within which the radical affects the history of his epoch and insists on the short span of his appearance on the historical stage.

It is interesting that these radicals were initially opposed to an establishment which was itself the product of earlier revolt. The old traditionalist order had already broken down in England by 1560 and in the new Elizabethan establishment there were many elements sympathetic to Puritan aspirations. They shaded off, however, into a kind of "liberalism"—

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secular, compromising, speculative, and mildly skeptical—which was as anathema to the Puritans as the old Catholic order. Such a regime was highly dangerous to the radical enthusiast, for it offered too many possibilities of compromise. And indeed up to about 1620 the great mass of gentry, whose conversion to Puritanism gave it historical importance, might have found a vague blend of Renaissance values with Puritan earnestness and gravity a satisfactory fulfillment of their needs. The revolutionary potential of the new radicals and their fulfillment as a type might have gone unrealized. It was the fatal turn in royal policy at the end of the sixteen-twenties that stimulated a new and crucial phase of development.

This raises a second point; the religious movement now came in touch with another group of malcontents, the Parliamentarians. Cooperation between these groups led to the outbreak of revolution; their disagreement later on ended in Cromwellian dictatorship. These "liberals," Girondins of the English Revolution, like the radicals, had roots in the Tudor world. Less focused, more traditionalist in some ways, but hardly less iconoclastic, these secular-minded dissenters deserve close examination. A parallel study to Professor Walzer's would be of high interest to all interested in the first phases of modern European political thought and behavior.

WALLACE T. MACCAFFREY
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John Bright: Victorian Reformer *by Herman Ausubel. New York, London, and Sydney, John Wiley and Sons, 1966.—xvi, 250 pp. $5.95.*

This brief but thorough life of John Bright is based on a careful study of a mass of primary papers. Although the conclusion Professor Ausubel arrives at is that Bright was a failure by his own standards and that he was acutely aware of it, the biography brings out fully both the extent and intensity of Bright's radicalism and the many sacrifices he made to convert his fellow-countrymen to a view of politics like his own. Their unteachability was the cause of his failure. As the great enemy of Privilege, who saw politics quite simply (surely too simply) as People versus Privilege, Bright had no rival. As a result, he made powerful enemies who treated him as the great threat to the domestic peace. All too easily he could be thought of as a symbol rather than as a man, not least by his supporters.

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He could even end his days as a kind of universal symbol, the Quaker fighter who had often attacked John Bull but came increasingly to look like him.

Because of this context, it is essential for a biographer of Bright to relate the man as he really was to the symbol which he appeared to be, and Professor Ausubel, fully recognizing this, deals particularly well with two neglected aspects of Bright's temperament—his natural "indolence" (ideally Bright would have preferred a quiet private life) and the inner tension which expressed itself from time to time in bouts of serious illness. Duty often triumphed over inclination in the approved Victorian manner, but the price was that there were many interruptions, some alarming, in his prolonged political career. The "cheerful, buoyant and resilient crusader" of the anti-corn law agitation was buffeted about on too many occasions to retain his cheerfulness, buoyancy, and resilience. He could deliver magnificent speeches, but he found few consolations in public affairs. Despising Englishmen for their ignorance, irrationality, and pride, he looked with hope to the United States, believing that he would have been happier living in New England than in old England. Professor Ausubel handles this trans-Atlantic theme with sensitivity and vigor. He deals less fully with some of Bright's limitations—his over-reliance on generalities, his lack of concern for administration, his inability to understand the motives of other people. His Irish policy was simple, but by no means fully convincing, and long before he came to vilify Parnell and the militant home-rulers, he wrote, not very helpfully, to Gladstone in 1869 that "Ireland is never unanimous but on one thing—getting something from the Imperial Exchequer." His economic views were commonplace, and he complained that economic science was as excessively intricate as metaphysics.

On one set of crucial questions, there is more to be said. Professor Ausubel draws attention to Bright's "independence" (p. 154). Yet what was his relation to the making of the Liberal party, a new kind of party? How many people shared his views? What was his specific contribution, if any, to the shaping of constituency politics? What were his views on the "caucus"? Professor Ausubel's biography points the way to a further analysis of Liberal politics in the eighteen-seventies and eighties.

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Alfred Deakin: A Biography, 2 Volumes, *by J. A. La Nauze. New York and London, Cambridge University Press and Melbourne, Melbourne University Press, 1966.—xiv, vii, 695 pp. $22.50.*

The Australian Alfred Deakin had a distinguished political career which extended from the colonial period in Victoria into the national or Commonwealth period and ended just before World War I. Deakin was three times Prime Minister of the Commonwealth and is imperishably famous as the man who collaborated with the Labor party and then turned around and engineered that combination of liberals and conservatives which has constituted the opposition to political labor ever since. And not only are Deakin's political deeds famous; his political thinking is still, over fifty years after he left the political stage, of rather more than "archaeological" interest, even if a lucid and coherent explication is still to be written. Moreover, there is Deakin the private person, a figure who, in significant lineaments, had remained largely unknown until this biography has unveiled the mystery. This private Deakin now looms portentously over the more familiar image of Deakin the prestigious politician. *Alfred Deakin* is, plainly, a work of high significance for students of Australian political history; it should also be taken as of significance to students of politics whatever their locale; and it will have a special interest to those fascinated by the endless varieties of political man. Deakin comes very near to being *sui generis* among Australian prime ministers and among chief executive officers anywhere.

And if none of the foregoing reasons suffices to justify a reading of Professor La Nauze's two volumes, consider that Deakin was what he himself named the Australian Briton, or an Australian nationalist and a British imperialist simultaneously and with no intolerable sense of strain. At one time and another Deakin argued that Australia's national policy with regard to the island groups in its vicinity should automatically be also imperial (that is, London's) policy; that Australia should have its own navy; that Joseph Chamberlain's imperial policies, including his trade policy, were the proper imperial policies, disregarding the overt anti-nationalism of those policies; and generally behaving as though, while Australian nationalism should be cultivated, direct participation in the governance of the empire should also be cultivated. In sum, Deakin did not elect to support either the centripetal or the centrifugal forces at work in the empire; rather he chose to support both as the focus of his concern shifted or was shifted by politics. Deakin was not the first and certainly not the last Australian politician to pursue simultaneously or in seamless sequence essentially antithetical policies at the national or the imperial levels. He was, however, an exceptionally attractive exponent of this in-

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dispensable political art, perhaps because he appeared to believe what he was saying when he was saying it, untroubled by the contradictions now so visible to posterity. Deakin's story is great reading and Professor La Nauze's volumes are a splendid monument to a fascinating and likeable man.

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Britain and Atomic Energy: *1939-1945 by Margaret Gowing. New York, St. Martin's Press, 1964.—xvi, 464 pp. $11.00.*

This is the first segment of the official history of the United Kingdom Atomic Energy project. Its publication in the United States and this review of it are long overdue. But in the interval the subject has retained its interest, and the excellence of Mrs. Gowing's narrative assures its durability and authority.

I am not qualified to judge the correctness of the exposition of the scientific theories and experiments which eventuated in the fissure of the atom. But of all the accounts I have read of this momentous achievement, American or foreign, this seems to me to be most skilled in its presentation of the essentials. Even a reader who has little scientific knowledge can understand them and grasp their progression. Imbued with a sense of history, it explains each step in the effort which led to the next one—frequently by accidental occurrence which startled the trained observer along a new line.

Significant elements of the British contribution to the work and its outcome have not yet found their due place in general American knowledge. In how many stages of discovery, in the penetration of how many of the basic problems in nuclear physics and chemistry the scientists of many nations who came together in England in the thirties were the innovators and tutors of the Americans! In that connection all historians who are impressed by the coincidences and contrasts of time may also have a strange chill of wonder at being reminded that in 1939

> while the newspapers were full of the events and threats that were driving Europe inexorably into war, the scientific journals were full of notes and articles describing the rapid succession of discoveries that had at last made the release of atomic energy a possibility, albeit a remote one. The sobriety of the notes and articles concealed an intense excitement among the nuclear physicists, even a feverish competition . . . .

While men, divided by their nationalities, were relapsing into destruction, scientists of all nations were surging ahead in their exploration of

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the basic elements of the physical universe. Science was then international, and primary discoveries were, as Mrs. Gowing notes, being made by Germans who still lived in Nazi Germany, by German, Italian, Hungarian, and Austrian scientists who had fled their countries; by Frenchmen, Danes, Americans, and, as we have learned from Soviet histories, the Russians. In the exhilaration of the pursuit, few then asked whether and how the tiger they were going to let loose could be caged.

Mrs. Gowing informs us that as late as the autumn of 1940 the British scientists who visited the United States formed the impression that the work in the United States was several months behind that done in Britain and not proceeding as fast. Thus, there was great reluctance to recognize that Britain could not construct the immense plants needed to carry forward the experimental and industrial task of the production of atomic weapons, since all its natural resources, trained professional personnel, and productive power were already engaged in other essential war work. How strenuous were the arguments in British official and scientific circles over the necessity to concentrate the effort in the United States and encourage the British scientists to give their utmost help! The narrative reveals the regretfulness of the decision, the consolation that through the knowledge and experience gained by their participating scientists, Britain would be better able after the war to produce atomic weapons and energy plants. But intermittently the satisfaction at what was being accomplished was marred by the sense that some of the Americans did not fairly acknowledge their debt and scarred by American refusal—sustained primarily by General Groves and American military circles—to allow most British participants unhindered access to knowledge of the whole range of the projects.

Churchill's primary aim and hope was that partnership in the great new field would form the basis for greater and more lasting Anglo-American cooperation not only in science but in international political affairs. Hence his advice to his colleagues to accept American primacy; and his high evaluation of the agreement with Roosevelt signed at Quebec in August 1943 for the pooling of resources and interchange of information and ideas, and his stress on the provision in that agreement that "we will not either of us communicate any information about Tube Alloys to third parties except by mutual consent." Consistently, one year later the Prime Minister persuaded Roosevelt to rebuff the pleas of Niels Bohr, and he rejected the advice of his closest consultants (including Sir John Anderson, Lord Cherwell, and Lord Halifax) that the Soviet authorities be told early of the prospect of success and asked to engage at once in talks about international control of atomic weapons.

Among the many other matters which are more fully and clearly re-

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counted than elsewhere is the part played by French scientists in the early work done in Britain and later in Montreal, and the connected later differences between British and American officials whether to allow free passage of information to France which might facilitate its production of atomic weapons.

Exceptional in its lucidity and grace of expression, judicious in its exposition, Mrs. Gowing's book is a boon to all historians untrained in science. It is both an instructive study of the triumph and troubles of Anglo-American political cooperation and a stimulus to reflection on the problems science brings into society along with its prizes. Reason is obviously inadequate. Will the vista of destruction raised by the fissured atom sufficiently arouse the sense of survival among nations? Can it even crush the frenzy of the Chinese? Or in the beginning, as here told, will there be the end?

HERBERT FEIS
York, Maine

British Defence Policy and Nuclear War *by Emanuel J. de Kadt. New York, Humanities Press, 1964.—148 pp. $3.75.*

The Politics of British Defense Policy, 1945-1962 *by William P. Snyder. Columbus, Ohio State University Press, 1964.—xii, 284 pp. $6.25.*

For good reasons of their own, both of these authors fail to deal with the fundamental issues in British defense policy. The first book is largely concerned with judging the supposed independence of Britain's nuclear retaliatory force; it makes few claims to evaluate the non-nuclear programs upon which most of Britain's defense budget has been spent. The second investigates the politics of Britain's defense programming with a technical proficiency in both military affairs and political analysis; but it also fails to ask what are the optimum policy goals which Britain should pursue in deploying its military strength. Britain's struggle to remain the world's third largest military power has raised a set of questions that are evaded by both authors: why has Britain so over-strained its resources to retain a global defense posture and a puny nuclear capability; why have other middle-sized powers chosen more modest defense goals; and why has Britain so firmly pursued its exceptional *folie de grandeur*?

Major Snyder has partially answered these questions with his lucid and thorough investigation of British defense politics. He has skillfully

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analyzed various defects in the decision-making procedures of Parliament, of the Services, of the bureaucratic elite structures, and of the pressure groups which swarm around the defense jam jar. Though he finds praise for the flexibility of British government, he concludes that Britains' defense policy is a consequence of the national habit of "muddling through" tough dilemmas. His investigation of inter-Service bargaining and budget rivalry is exceptionally good and his book provides an incisive case study in British policy procedures. Yet he fails in the end to relate his assessment of defense politics to the goals which Britain should pursue in an insecure world. For example, had its policy process been more rigorous it is conceivable that Britain could have phased out its post-imperial commitments or its declining nuclear forces with great profit. But this is a judgment on the relevance of means to goals which Major Snyder has evaded.

Professor de Kadt is a sociologist, somewhat like Raymond Aron, who has become intrigued by the metaphysical scenarios of deterrence theory. His brief book argues against two conventionally accepted but unrealistic claims. The first, that Britain's "independent" deterrent enjoys credibility and military utility, he demolishes with great verve. The second, that Britain's cut-price Civil Defense program could save many lives, he repudiates with more knowledgeable arguments. His entire work suffers, unfortunately, from a misapprehension: he assumes that the British deterrent was built for military rather than political purposes. He rightly points out that Britain's nuclear capability, which equals barely two per cent of the striking power of SAC, has never gained any conclusive influence for Great Britain over U.S. war plans. But he forgets that Britain is more conscious of its status race with other medium powers in Europe than with a military confrontation against the Soviet Union. His book, like Major Snyder's, was written before the Labour government entered office, and at a time when popular fantasies about civil defense met with official encouragement. Both books failed to anticipate that a Labour prime minister would devote so large a part of Britain's military efforts to commitments east of Suez, where the rationale for defense policy demands a very different order of questioning.

WALTER GOLDSTEIN
Columbia University

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Bedrohung und Bewährung: Führung und Bevölkerung in der Berlin Krise *by Kurt L. Shell. Cologne and Opladen, Westdeutscher, 1965.—xvi, 480 pp. 22 DM.*

Over the years Berlin has become a universal symbol and the most familiar intersection in Europe. President Kennedy made history by declaring that he was "ein Berliner," and in a sense who wasn't? But though "the Wall" became universalized, the problems of the people who actually had to adjust their lives to it were very specific. Their attitudes and behavior in the year or two after August 13, 1961, constituted extremely good data for examining political loyalties and identifications in a controlled crisis situation. One of the many virtues of Kurt L. Shell's scrupulously thorough and remarkably objective study of this episode is that it makes the most of this opportunity.

The results of a specially designed attitude survey are presented by him in almost one hundred tables, frequently with comparisons to the responses of a West German sample. They show in great detail how the boundaries separating "private" and "political" spheres were eclipsed in the aftermath of what was perceived as a massive threat to West Berlin's security. The conventional indicators separating activists from the politically less interested did not correlate in this situation with the degree of participation in demonstrations and other expressions of concern. The proportion of the politically attentive multiplied. By encouraging the population to externalize their anxieties, the West Berlin leadership took a calculated risk that these expressions of solidarity might get out of hand, as they threatened to do, for instance, in the aftermath of the shooting of Peter Fechter in August 1962.

Shell documents with great skill how Willy Brandt and his team collaborated with various powerful allies to prevent either the large-scale flight of West Berliners or the build-up of compensating forms of provocative behavior. Restoration of confidence in the American shield was one of the most immediate problems. In tracing the decision-making processes through which the Berlin Senate sought to buttress West Berlin's economic and cultural, as well as political, viability, Shell utilized the excellent access he was able to achieve through his affiliation with the Berlin Institute of Political Science. One of his most surprising findings is that the political party organizations played a very limited role not only as decision-making structures, but even as communication channels. The greater role played by the mass media appears to have caused especially the West Berlin press to adopt a propagandistic role which has since evoked much negative comment.

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The broad scope of this study places considerable emphasis on the manner in which the West Berlin economy as well as the major cultural institutions reacted in the aftermath of the threat. Here as elswhere the problem was how to channel the large public subsidies made available primarily by Bonn. That the Berliners were not overwhelmed by gratitude for this support is brought out amply in their attitudes toward the "Federal Germans," to whom they ascribe qualities which tend to be the negative contrasts to those they ascribe to themselves. This may be partly a by-product of what Shell identifies as the tendency of the successful surmounting of the crisis to heighten the communal solidarity and "in-group" feeling of the traditionally cocky Berliners.

The marked differences on policy questions between Berliners and West Germans, which Shell documents so well, continue to manifest themselves. Increasingly Berlin opinion deviates in both directions, since it has become the base of Germany's most ardent "flexibilists" as well as its most committed "hard-liners." Shell's outstanding book helps us enormously to understand the increasingly complex role of Berlin in German politics, and it seems highly desirable that a version of it also be made available in English.

ARNOLD J. HEIDENHEIMER
University of Florida

Gesellschaft und Demokratie in Deutschland *by Ralf Dahrendorf. Munich, Piper, 1965.—516 pp. 28 DM.*

Dahrendorf's study of the relationship between social structure and democracy provides us with the first systematic sociological analysis of contemporary Germany. The book is characterized by an admirable combination of civic engagement and scholarly detachment. Dahrendorf answers the crucial question, "Why has Germany encountered such formidable obstacles to the achievement of liberal democracy?" with a wealth of theoretical analysis, empirical observation, and historical narrative; but he is also a passionate moralist who castigates his fellow-countrymen for their continued procrastination and hesitation on the road of democratic advance. The avowed aim of his book is "to loosen up rigid political conditions, to spread impatience with German realities, to cast doubts and to disperse the fog of ideologies of justification" (p. 324).

Most of the book is a searching and frequently original discussion of

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the numerous factors which have stood in the way of Germany's attaining liberal democracy: the achievement of industrialization within an authoritarian and sometimes even feudal framework; a bourgeoisie whose liberalism and political confidence had been broken by Bismarck; a precarious international situation which put a premium upon national unity and discouraged the flowering of autonomous pluralistic forces; the cult of the (allegedly) omniscient and altruistic authoritarian state, as contrasted (for example, in Hegel's philosophy) with a "civil society" marked by narrow and egoistic group pressures; the high prestige enjoyed by traditionalist values incompatible with modernity (for example, rural life and patriarchal conduct); the idealization of pre-modern elements by a long line of German sociologists froms Ferdinand Tönnies to Helmuth Schelsky (the latter is the favorite target for Dahrendorf's polemics); a university structure where a peculiar "German idea of truth" (shades of Leonard Krieger) handicapped the institutionalization of liberal practices and empirical disciplines; a continuing administrative and political elite dominated by lawyers with deeply authoritarian proclivities; and the scarcity and disrepute of "critical intellectuals," a species to which Dahrendorf is proud to belong.

Dahrendorf discusses all these factors with reference to a specific conception of liberal democracy, that is, an egalitarian society marked by conflicts between pluralistic social forces—conflicts institutionalized and "civilized" by the development of "public virtues." Dahrendorf has much to say about the German obstacles to equality (underdevelopment of civil rights, unequal educational opportunities, and the like); the obstacles to the recognition of the value of conflict (such as state worship and "industrial utopias" like co-determination); and the obstacles to the development of "public virtues" (the cult of private friendship, prevalence of the "unpolitical German," and the like). The persistence of all these factors makes him much concerned about the viability of democracy in today's West Germany. In this reviewer's opinion he tends to over-value the importance of equality for the successful functioning of democracy; certainly England, the most successful of liberal democracies, has been successful despite—or perhaps because of—the survival of social hierarchies.

Dahrendorf's analysis of the ruling elite of the Bonn Republic as a rigid "cartel of fears" without roots in a broad democratic reservoir is mordant and not completely unjustified when one views the recent electoral successes of the National Democratic party. It appears, nonetheless, over-pessimistic in the light of the Federal Republic's historical position and political achievements. The author is so preoccupied with the importance of conflict in a viable democracy that he fails to consider

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sufficiently the importance of "agreement on fundamentals" as the prerequisite for fruitful democratic conflict, an agreement which the Federal Republic possesses as regards its basic political institutions following the discrediting of all alternatives to liberal democracy (Nazism, Communism, authoritarian monarchy, presidential dictatorship, and the like). Apart from being the first German regime during the last 150 years to possess an "agreement on fundamentals," the Bonn Republic also has important foreign, economic, and military achievements to its credit (such as the enmeshment with the democratic West, the rise from ruins to riches, and the incorporation of the new army into the democratic society). It is curious, incidentally, that Dahrendorf has nothing to say about the army at all, though it is surely a touchstone for the interaction of social structure and democracy.

The author considers "liberal democracy" to be one of two possible results of what sociologists call the inevitable process of "modernization" in the contemporary world; totalitarianism is the other. "Modernization" means the breakthrough to an industrial, egalitarian, and secular society. The obstacles to modernization in rural, hierarchic, and religiously-oriented societies have been obstacles to liberal demorcacy as well; but the attack upon the surviving *ancien régime* has not been monopolized by liberal democrats, nor necessarily promoted liberal democracy, least of all intentionally. Dahrendorf has some very provocative pages on how Nazism, for all its detestable qualities, did far more for Germany's modernization than any earlier regime, and how the German resistance to Hitler, for all its admirable heroism, was objectively a counterrevolutionary force. He also analyzes the social accomplishments of the German Democratic Republic—a state modern in form but totalitarian in content —in a spirit free of cold war polemics. Dahrendorf, as a frustrated and impatient citizen of the Federal Republic, hopes that West Germany can become equally modern in form even while it improves its still very inadequate liberal-democratic content. To this process Dahrendorf has made, despite some exaggerations and omissions, a powerful, searching, and moving contribution.

KLAUS EPSTEIN
Brown University

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Le Congrès de Tours *by Annie Kriegel. Paris, Julliard, 1964.—xxx, 258 pp. 4.95 F.*

In the last decade scholars both here and abroad have produced a number of important studies of French socialism during the Third Republic. For the most part these works have concentrated on two periods—the prewar era, when Jaurès was in his ascendancy, and the years of the Popular Front. Recently, Mme. Annie Kriegel, a former student of C. E. Labrousse, has attracted the attention of the scholarly world by her publications on the crucial period from 1914 to 1920, when French socialism faced the crises provoked by the war and the Bolshevik Revolution. Her masterful two-volume *Aux Origines du Communisme Français* (1964) examined in great detail the growth of communism in France. In *Le Congrès de Tours* she has turned her attention to an event that was the culmination of the confrontation between Bolshevism and socialism in France. The Congress of Tours, which met December 25-29, 1920, was the eighteenth and last of the unified Socialist party (SFIO) founded in 1905. It witnessed the triumph of the Communist faction, which used its majority at the congress to vote the party's adhesion to the Third International. This decision resulted in schism, with the minority leaving the congress to reconstitute the SFIO, while the majority transformed the party into the French Communist party (SFIC). The schism in the French working class has remained a permanent feature of French politics.

In one sense, the Congress of Tours was an anticlimax. The party federations had met weeks before to vote on the issue of adhesion and had registered overwhelming majorities in favor of the Third International. The chief task of the congress was to establish as official policy a decision made earlier by the militants. Nevertheless, the congress debates constitute one of the major historical documents of the French working-class movement. Almost all the important leaders of the party were present and participated. Each did so fully aware that he spoke before the unified party for the last time, and every speech was marked by this realization that French socialism had reached a decisive moment in its history. It is impossible to read the debates without being struck by the passion and fervor that gripped speakers and audience alike. Léon Blum's oration, in which he exposed in merciless detail the fundamental differences that separate Bolshevism and democratic socialism, has become a classic text in French socialist literature.

In *Le Congrès de Tours*, Mme. Kriegel has edited the stenographic reports of the congress with such precision and knowledge that this brief work has become an important source for a much needed definitive study

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of the schism. There are numerous informative footnotes, and a biographical sketch introduces each speaker. A thirty-page introduction provides a concise survey of the complex history of the French working class from 1914 to 1920. An annex includes the "Twenty-One Conditions" laid down by the Bolsheviks for admission to the Third International.

WILLIAM SAVAGE
Louisiana State University, New Orleans

An Explanation of de Gaulle *by Robert Aron, translated from the French by Marianne Sinclair. New York, Harper and Row, 1966. —xiv, 210 pp. $4.95.*

This explanation of de Gaulle does not go far in elucidating the General and sheds no new light on the riddles of his motives or his policies. Its English translation, not always felicitous, treads a choppy and episodic path through the statesman's past, his politics, and the doctrine (or absence of a doctrine) attached to his name. The sequence is not always clear. The availability of more-or-less illuminating anecdotes causes some events to be dwelt on at greater length than others. The general effect is confused and confusing. J.-F. Revel and P.-M. de la Gorce in French, David Schoenbrun in English, and, *imprimis*, General de Gaulle himself, have all done a better job and leave a more satisfying impression.

The speculations (pp. 50-54, 113-14) about possible sources of de Gaulle's views of authority and of the state could be useful if substantiated. Apart from these, the most suggestive aspect of this depressing book is the subtly loaded quality of its historical references. Professor Ray Allen Billington recently exposed *The Historians' Contribution to Anglo-American Misunderstanding*. The historians' contribution to French self-misunderstanding is at least as massive and this *morceau de circonstance* metes out its slender dole to the same fund. The French, acutely critical of each other, have never been excessively critical of themselves as a people, preferring to apply to other nations the clear, sharp gaze, the biting logic, and the sarcasm which, nearer home, acquire a muffled quality. Readers who, for professional reasons, may have to use this book might seek relief in the double game of trying to pin down M. Aron's own point of view and to locate those phrases where discretion glosses over uncomfortable facts. He does, however, in the introduction, give us a typical gaullian

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comment about his own (excellent) *Vichy Regime:* "Your book is very objective; in fact, so objective that it sometimes ceases to be so."

EUGEN WEBER
University of California, Los Angeles

The Peacemakers: The Great Powers and American Independence *by Richard B. Morris. New York, Harper and Row, 1965.—xviii, 572 pp. $10.00.*

The conclusion of peace between the United States and England in September 1783, together with the Anglo-American treaty that provided the specifications for the peace between these two nations, was surely one of the most significant events in the history of the United States and of the Western world. It marked the final recognition of the independence of the United States from England and the appearance of a new political entity, the American Confederation of Sovereign States, the first ripe fruit of the colonial expansion of Europe, among the states of the Atlantic community. Yet this event has not hitherto received an adequate, thorough, and definitive historical treatment. The long-needed history is provided by this book.

The Peacemakers is a study of the international efforts to bring to a peaceful conclusion the world war known to history as the War for American Independence—efforts that began almost immediately after the signing of the Franco-American alliance in 1778 but in which the beginning of American participation is conveniently to be dated from the voyages abroad, in search of peace, of three Americans: John Jay for negotiations with Spain, John Adams for negotiations with England, and Henry Laurens for negotiations with Holland, all in the year 1779. These efforts toward peace, some with and some without the participation of the Americans, finally culminated in the nexus of treaties signed in Paris and Versailles on September 3, 1783.

The history of these manifold and complex negotiations, in so far as they applied to America, is admirably told. Professor Morris evidently read and mastered a phenomenal amount of archival material in the repositories of Spain, France, Holland, England, and the United States, as well as the personal papers of many of the individuals involved. His great achievement is the way in which he has been able to rise above the documents and see each incident in the context of the struggle between England, on the one side, and the United States and its co-belliger-

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ents on the other. Further, his story is written with verve, wit, and insight, and in an entertaining and easy style.

The careers, the actions, the thoughts of the Americans in their participation in the efforts to make peace are meticulously and accurately portrayed. John Jay's mission to Spain, for example, is given a fuller, more detailed, and more comprehensive treatment than has hitherto been the case in any comparable book. Similarly, the characters, thoughts, and policies of such participants as the Count of Floridablanca, the Count of Aranda, the Count of Vergennes, and the Earl of Shelburne are carefully studied. Such major incidents as the Hussey-Cumberland mission to Spain are given a definitive, detailed treatment. From the point of view of American participation in the peacemaking, this book will probably long stand as the definitive work.

And yet, this book cannot be considered a full and complete study of the whole peace. The War for American Independence was a world war; the peace that ended it was a world peace. This book considers only that part of the world peace that pertained to the thirteen former English colonies that became the United States of America. It is the history of American peacemaking considered, as it were, almost in a vacuum. One might ask, for example, what other issues than the American existed between France and England, in India, Africa, or the Mediterranean? How was the American cause related to Anglo-Spanish issues in the Mediterranean? Why were Austria and Russia interested: what, that is, did they hope to gain by their intervention? What were the whole issues between England and Holland? Above all, what were the provisions of the Anglo-French, Anglo-Dutch, and Anglo-Spanish treaties, which are barely mentioned? All these elements in this historical episode are inadequately treated, if they are treated at all.

The book, therefore, excellent as it is, must be described as a monograph on the role of the United States in the making of the world peace of Paris of 1783, not as a history of the whole peace. The international history of the United States, either before that Peace of Paris (or Versailles) or after, cannot be written without considering it in the total complex of the interrelationships among the members of the international community of the North Atlantic. The issues in the War for American Independence were world issues. Any study of that war that fails to take this fact and these issues into account must be criticized as unfortunately limited by the provincialism that characterizes the work of so many American historians.

MAX SAVELLE
University of Washington

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The Second American Party System: Party Formation in the Jacksonian Era *by Richard P. McCormick. Chapel Hill, North Carolina, The University of North Carolina Press, 1966.—x, 389 pp. $7.50.*

The nature and evolution of American political parties has attracted the love and labor of so many scholars that one might suppose the mystery would have been stripped away by now. Not so. Historians and political scientists, those of sensibilities at least, remain awed by the volume of evidence and the dimness of understanding.

The present effort, read against a background of semi-romantic forays by such as Marvin Meyers, Bray Hammond, and John William Ward, seems almost clinical in its methodical marshaling of evidence on a few carefully narrowed aspects of political parties in the Jacksonian era. The direction is sharply different from most recent writing on the subject and some of the results are interesting.

What Professor McCormick has done is to ask a series of identical questions about the emergence and development of parties in each of the states and then to set up some taxonomic, morphological, and causal categories that seem to have been true of American politics in the generation after 1824.

Some of the questions asked in each state had to do with voter eligibility, the place and timing of elections, the principal characteristics of party politics prior to 1824, the time that parties were formed in the various states to contest national elections after 1824, the time that state and national parties became elided in each state, the time when politics became "popular," and the extent of voter participation. The last, of course, has been productive, under Professor McCormick's aegis, of highly important findings in recent years. Beyond these representative questions the author has also tried to assemble comparative data on somewhat more speculative questions such as the "special or peculiar influences—economic, sectional, ethnic, cultural, or traditional—that apparently operated to produce distinctive political behavior," and "What circumstances best explain the emergence of parties at a particular time?" (p. 8).

The principal and most arresting conclusion is that we can speak usefully of a second American party system, sharply distinct from the first arising in the seventeen-nineties and from later ones, notably the system created by the rise of the Republican party in the eighteen-fifties. Even the term "party system" carries special nuances with it. The conclusion arises, in Professor McCormick's judgment, from such facts as the spread over many years of the creation of two-party systems in the several states, the apparently critical nature of the presidential contest rather than congres-

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sional divisions over matters of principle or interest, the nationally balanced nature of parties by 1840, and what is called the "artificial" nature of parties in the period, that is, parties that "could survive only by avoiding regionally divisive issues" (p. 15).

A critical assessment of the book might lead in two directions. The first is the tantalizing fact that the characterizations of his second party system on which Professor McCormick has been able to present the most unexceptionable evidence are often the least engaging ones, whereas those on which he is required by the evidence to be most tentative often seem to be the most provoking. The second is that certain of his conclusions seem curiously incomplete. For example, much is made to rest upon the distinctive importance of the presidential contest, but no distinctive reasons are adduced to make this claim reasonable. Similarly, one is drawn to the author's conclusion that the parties were peculiarly artificial, only to find largely missing a general discussion of artificiality in the nature of political parties and a reasonable explanation of the phenomenon in terms of ideas, values, and conflicts of the time.

There is, nonetheless, a wealth of pertinent factual information about party politics in the book and after reading it one ought to return with new vigor and precision to the baffling task of understanding the Jacksonian period.

SHAW LIVERMORE JR.
University of Michigan

Yankees and Samurai: America's Role in the Emergence of Modern Japan, 1791-1900 *by Foster Rhea Dulles. New York, Harper and Row, 1965.—xi, 275 pp. $6.50.*

The United States and the Hawaiian Kingdom: A Political History *by Merze Tate. New Haven, Yale University Press, 1965.—xi, 374 pp. $8.50.*

Neither of these volumes is a major contribution, but each—for different reasons—is of value. Like most of the author's numerous books, *Yankees and Samurai* is an intelligent, interesting, and well written survey. It does not aspire to the thoroughness of Robert S. Schwantes' *Japanese and Americans: A Century of Cultural Relations* (1955), but it is based upon a discriminating reading of the best printed sources and secondary works, a few of which have appeared in the last decade. It is essentially a chronicle of selected Americans and Japanese who helped to provide a bridge between dissimilar civilizations. The treatment is descriptive and

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biographical; the emphasis is on culture, not diplomacy. There are no citations, but the bibliographical notes, arranged by chapters and in essay form, offer a useful guide to recent literature.

The first seven chapters—roughly half of the book—cover the more familiar attempts of sea captains to institute trade, the problem of shipwrecked sailors, the Perry expedition, the saga of Townsend Harris, and the first Japanese mission to the United States in 1861. The next six are more novel, dealing with the turbulence of the eighteen-sixties, the Yankee invasion after the Meiji restoration, the Hokkaido agricultural experiment under Horace C. Capron, the influential Japanese studying in America, the work of Ernest Fenollosa and Lafcadio Hearn, and the stream of tourists that included William H. Seward, Ulysses S. Grant, and Henry Adams. A brief concluding chapter suggests the reasons why this initial friendship came to a close around the turn of the century.

The Tate volume is more difficult to appraise. The product of extensive research—the author has published eighteen articles on her subject since 1960—it is also comprehensive in coverage and fair-minded in judgments. But the purpose of the book and the audience for which it was written are not clear. According to the preface, it was "designed to provide for the general reader and the scholar a treatment in depth and breadth of the relationship of the United States and Americans, in both official and unofficial capacities, to the decline and eventual fall of the Hawaiian kingdom" (p. v). Yet Miss Tate will not attract many general readers with a detailed account that lacks Professor Dulles' use of the amusing incident, the apt quotation, or the meaningful historical allusion. The subtitle does not fully convey the purpose stated in the preface, while in her conclusion Miss Tate suggests that another subtitle—"An Economic Interpretation of the Hawaiian Revolution"—might be more appropriate (p. 308). It should also be noted that the Hawaiian Kingdom ceased to exist in January 1893 and at page 193, while the author carries her story through annexation in August 1898 in a text that runs to 316 pages.

This reviewer learned the most from the four chapters dealing with early American interest, the growth of concern from 1864 to 1882, the bloodless revolution of 1887, and Liliuokalani's reign. They incorporate the author's findings on the role of the missionaries in the islands and the reaction of the British empire to developments there. For the revolution of 1893 and its aftermath her 162 pages do not differ significantly, in facts or interpretation, from the last 113 in Sylvester K. Stevens' *American Expansion in Hawaii, 1842-1898* (1945) or from the almost seven hundred that William A. Russ Jr. devoted to the same period in *The Hawaiian Revolution, 1893-94* (1959) and in *The Hawaiian Re-*

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public, 1894-98 (1961). One of three appendices contains helpful biographical sketches of many persons mentioned in the text. The citations are plentiful but are numbered in a curious fashion. The five-page essay on the sources lists virtually none of the secondary works cited in the footnotes.

RICHARD W. LEOPOLD
Northwestern University

The War Diary of Breckinridge Long: Selections from the Years 1939-1944 *selected and edited by Fred L. Israel. Lincoln, University of Nebraska Press, 1966.—xxv, 410 pp. $7.50.*

Twenty years ago publication of the wartime journal of Breckinridge Long would have been sensational news. Now, even though it has attracted no popular attention, it still contains much of unique interest to the student of United States foreign relations between 1939 and 1944. It has been ably edited by Fred L. Israel, professor of history at the City College of New York, who has deleted only repetitious or intrinsically uninteresting materials such as lengthy news dispatches, daily lists of callers, and the like. Long, a wealthy supporter of the Democratic party, more notable for his party regularity than his liberalism, had been an assistant secretary of state under Wilson and ambassador to Italy in Roosevelt's first administration. He arrived in Washington on September 2, 1939, coincidentally just as war was breaking out in Europe, to begin four years as an assistant secretary of state. From its first page, his diary is more candid by far than, for example, the Hull memoirs, even though less compendious. Long noted that Hull was gloomy that September day: "He envisions the defeat of England and France and sees a very black future." For the most part, Roosevelt was a good bit more optimistic than Hull. And yet, during the neutrality period, when Henry L. Stimson, who became Secretary of War in June 1940, pushed toward greater militancy, and Hull held back, it was usually Hull's caution that prevailed upon Roosevelt. Long's accounts of conversations with Hull give the impression that Hull was working very hard in 1941 to achieve a *modus vivendi* and at least delay war with Japan. As for Long, he seems to have been completely loyal to Hull and to have shared his feelings. The area in which Long personally most vigorously fought to make policy—and tragically succeeded—was in restricting the emigration of refugees, mostly Jews, from European war areas. It can be argued that Long did not know that the Jews were destined for gas chambers. Yet it is damning that he saw in them and other unfortunates at worst potential German

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spies and at best an undesirable addition to the American populace. In his entry for November 28, 1941, he commended Ambassador Laurence A. Steinhardt, who had just returned from Russia, for his opposition to immigration from Russia and Poland:

> He says they are lawless, scheming, defiant—and in many ways unassimilable. He said the general type of intending immigrant was just the same as the criminal Jews who crowd our police dockets in New York and with whom he is acquainted and whom he feels are never to become moderately decent American citizens. I think he is right—not as regards the Russian and Polish Jew alone but the lower level of all that Slav population of Eastern Europe and Western Asia.

FRANK FREIDEL
Harvard University

Protest: Sacco-Vanzetti and the Intellectuals *by David Felix. Bloomington and London, Indiana University Press, 1965.—274 pp. $5.95, 43s.*

Forty years after their execution Sacco and Vanzetti are now again exhumed to be the creations of a legend of martyrdom by the intellectuals which Mr. Felix attempts to destroy. As one of the intellectuals involved in their defense from the beginning I can testify to the relation of legend to fact. Mr. Felix contends that the legend of the innocence of the two Italian anarchist workingmen convicted of robbery and murder was concocted by the intellectuals of the world protesting in 1927 against their impending execution. Of their guilt he has no doubt, and he goes to great pains to interpret the trial record to fit his case. He charges that the intellectuals also interpreted the record to fit their view of the trial as a sacrifice of innocent men to class prejudice and hatred of radicals.

But Mr. Felix is not without doubt as to his own professed certainty of guilt. If he were certain of guilt beyond any reasonable doubt he would not have needed all his laborious interpretation of the evidence. His certainty is further qualified by his conclusion that Vanzetti's guilt was not proved in a prior trial for another hold-up. He was prepared to accept it until he found the one surviving juror doubtful. So he concludes that the conviction rests on an "irreducible uncertainty." He could have rightly used the same big words for the main case.

Another recent author who dug more deeply into the record than Mr. Felix (Francis Russell in *D Day at Dedham*) concluded that Sacco was "probably" guilty but that Vanzetti was innocent. No wonder that the intellectuals protested an execution for what was "probable" guilt after a

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trial surrounded by prejudice against alien radicals. No wonder the conviction persists that the men were innocent victims.

Question and doubt will always remain in the controversy. But the innocence of the men is no legend concocted by intellectuals to buttress their indignation against intolerance and injustice. It was the contention in the trial, in the many appeals, in the final maneuvers and reprieves, and in all the post-mortem portrayals of the case in books and drama—all except three recent books by authors challenging the contention. Mr. Felix is wrong by my own knowledge in ascribing the legend of innocence to a deliberate build-up by counsel, the American Civil Liberties Union, the defense committee, Felix Frankfurter, and highly-placed Boston libertarians. There was nothing deliberate at all; there was only the normal propaganda inherent in any case at that troubled time when prejudice had to be fought to help get justice.

Those were the years after the World War and the Russian Revolution when the United States government was crusading against radical aliens. There were excesses by the Department of Justice, exposed in a Senate inquiry. There were excesses by local authorities. The intellectuals were on the alert to challenge any apparent injustice. Their reaction to the Sacco-Vanzetti trial was no different, save in degree as the execution approached, from other cases. It became a world-wide *cause célèbre* not by artifice and deception, as Mr. Felix would have it, but by the facts.

Mr. Felix pays tribute to the social value of legends. He thinks highly of protest, but more highly of reality. He regrets to have to expose a useful myth, too "sentimental and child-like" to serve as guide. He need not be concerned. The intellectuals have enough reality in this legend to guarantee that it will endure long after the attacks on it are forgotten.

ROGER N. BALDWIN
New York City

The New Deal and the Problem of Monopoly: A Study in Economic Ambivalence *by Ellis W. Hawley. Princeton, Princeton University Press, 1966.—xv, 525 pp. $10.00.*

This book is the finest study of the domestic economic program of the New Deal that I have read. An economist who reviews a book on economic policy written by an historian can always find something to criticize. But in the present instance his criticisms would have to be directed toward very minor faults. If justice is done, and Professor Hawley's work secures its merited attention, it should do much to counteract the pernicious in-

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fluence of the collection of the myths, half-truths, and irrelevancies from which Arthur Schlesinger Jr. has liberally borrowed to fashion his popular books on the era of Franklin Roosevelt.

Professor Hawley builds squarely on three important truths about the New Deal. First, while its spectacular political success can be taken as self-evident, its economic innovations were failures in the important sense that they did virtually nothing to encourage economic recovery. (The relief measures were, of course, successful in that they sufficed to prevent rioting in the streets.) Second, the economic innovations of the New Deal contained a number of serious contradictions, there being, for example, no way to reconcile the pressures for cartelization applied by the NRA with the increased emphasis on antitrust. Third, even if New Deal policy toward "monopoly"—by which Hawley means both market control and large corporate size—had aimed at a single goal and been consistently pursued, the effort would not have helped to get us out of the Depression. For in the early nineteen-thirties only the extremist blueprints of Lenin and Von Mises pointed a way out; and their aid came at too high a price. After 1936, the new learning of John Maynard Keynes together with the lessons learned from our experience with deficit finance showed the road to recovery. But our statesmen were not apt pupils and their bumbling efforts to raise national income were finally rendered unnecessary by the mobilization of World War II.

By Hawley's reading, the domestic economic program of the New Deal was an *ad hoc* mixture of three essentially incompatible ingredients. First came the belief of certain students of the business scene (they were really economists but would not have been acknowledged as such by their academic colleagues) that, in the interests of greater efficiency, the American economy needed "rationalization," that is, bigger corporations and tighter cartels. Next came the view of the intellectuals who wrote for *The Nation* and *New Republic* that what the country required was more "planning." Hawley makes it clear that, while the friends of planning in the New Deal might have viewed the Soviet experiment with some sympathy, they were too decent in their instincts—and too sloppy in their thinking—to qualify as any category of Marxists. The third main ingredient in the monopoly policy of the New Deal was the pro-competition, anti-bigness bias that had come down from the populist agitation and which, surprisingly enough, had become the official ideology of conservative professors of the American Economic Association.

Hawley takes care to point out that the internal battles of the New Deal were not waged by systematic theologians. His observations on the NRA apply to the whole of the New Deal economics:

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> It would be an oversimplification to represent the policy struggle as merely a conflict between three schools of thought. It was much more complex. Individuals simply refused to accept ideological systems intact and then stick to a given position. They changed their minds, made exceptions, accepted intellectually inconsistent ideas, yielded to political and personal loyalties or pressures, and tried to stake out positions that were somewhere between the three points of orientation (pp. 35-36).

Hawley's estimate of the New Deal's economic achievements is at once cynical, tolerant, and wise. He accepts that given the enormous diversity of economic interests in the United States, and the conflict of different intellectual traditions, a final solution of the "monopoly problem" was no more possible in the nineteen-thirties than it is in the nineteen-sixties. President Roosevelt is not viewed by Hawley as playing off the advocates of different economic policies with calculated cunning. Instead, he is seen as embodying in his own mind the economic predilections and prejudices of the average American.

If Hawley's volume has a serious fault it lies in an unsatisfactory coverage of materials. A book of this length is too brief to qualify as the standard reference work on New Deal economics. Yet the amount and kind of description introduced operates to distract attention from Hawley's central points. (The dull details of policy toward the bituminous coal industry get seven pages.) A shorter book might have better served to highlight important matters. Still, Hawley has told the story the way it happened—and told it with real distinction.

DONALD DEWEY
Columbia University

From Failing Hands: The Story of Presidential Succession *by John D. Feerick. New York, Fordham University Press, 1965.—xlv, 368 pp. $6.95.*

Since the well publicized Eisenhower illnesses of the nineteen-fifties, Congress has occasionally devoted itself to the questions of presidential inability and succession. It was the tragic death of President Kennedy, however, as Mr. Feerick points out, that gave this problem a sense of urgency and led all interested parties to seek a viable constitutional solution.

From Failing Hands is really two books in one. First, it is an extensively researched historical study of our experiences under the constitution's

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original but very ambiguous provision on succession and inability. Three earlier succession laws passed under this authority were not very satisfactory, as Feerick notes. Yet the nation managed to survive from crisis to crisis.

The major portion of the book is devoted to these critical moments in our history, with equal attention paid to the legal and historical implications of succession and inability. Among the most important events are the Tyler presidency, which set the precedent for a vice-president to become president and not merely "acting president" when succeeding to the presidency upon the death of an incumbent; the first case of presidential inability, when President Garfield lay helpless for eighty days while the nation waited; the well concealed inability of President Cleveland, who had a malignant cancer removed aboard a ship at sea while the country floundered in the throes of a major depression; and the illness of Woodrow Wilson, which left America leaderless during the critical aftermath of World War I.

In the second part of the book the author turns to the present, giving us the benefit of his experiences as a participant in the American Bar Association's valuable work in aiding Congress draft an amendment. That amendment closely resembled Mr. Feerick's own proposal.

By the end of 1966, thirty-one states will have ratified the proposed constitutional amendment designed to insure presidential continuity. No doubt, Mr. Feerick, like myself, finds this very gratifying. Final approval of the Twenty-fifth Amendment should resolve an important constitutional problem.

BIRCH BAYH
United States Senate

Foundations and Government: State and Federal Law and Supervision *by Marion R. Fremont-Smith. New York, Russell Sage Foundation, 1965.—564 pp. $8.50.*

America's tax-exempt foundations have multiplied in number and assets so greatly in recent years that the motives and actions of their donors and administrators have come increasingly into question. Studies and congressional hearings, conducted by both responsible and irresponsible critics, have revealed controversial, even illegal, financial operations and

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leveled a wide variety of charges which include both ultra-conservative timidity and Marxist fraternity.

Philanthropists and their partisans have responded most effectively through publications of their Foundation Library Center and the Russell Sage Foundation. The volumes, newsletters, and reports of the latter agencies have been, in general, more sophisticated and scholarly than the attacks of their opponents. But their partisanship is no less recognizable. Crucial to the debate over the future of foundations is the theoretical issue of the proper role of expanding federal power. At stake is the very real control of billions of dollars.

The latest contribution to the fray is a lengthy, dryly-written polemic by Mrs. Marion R. Fremont-Smith, director of the Russell Sage Foundation philanthropy study. "The role of foundations in both the economic and social structure is once again being questioned," the author trumpets. "It is evident that Congress is about to take a new look at the so-called 'private' foundations." Written, one suspects, to counteract recent proposals and activities by Representative Wright Patman and the Internal Revenue Service tending possibly toward the creation of a federal agency to regulate foundations, this book is an elaborate appeal to Congress to create a uniform "law of charity" which hopefully would place "primary responsibility for the supervision of philanthropy in the states rather than in a nationally administered program."

The author's survey of the historical and current legal relations of state governments to philanthropic bodies is the outstanding feature of the study, its contribution to the slowly emerging body of foundation scholarship. Relevant legislation, judicial decisions, and administrative regulations of ten states are examined in special detail, and an entire chapter is devoted to the role of the attorneys general. Valuable appendices contain the legal requirements by state for charitable trusts and corporations; assorted state acts, rules, and regulations; reporting forms; and a list of cases.

And yet the book's polemical nature mars several important subjects of concern. Seemingly all federal regulations, for example, are responsible for problems currently plaguing foundations, including, of all things, lassitude and the penchant for conformity. Even the old, unsubstantiated, and highly dubious claim that foundation initiative is stifled by the Internal Revenue Code's prohibition of "propaganda to influence legislation" reappears. The discussion of congressional investigations is misleading, especially at the point where the Patman recommendations are linked with the final report of the Reece Committee.

Portions of this book fill an important void in our knowledge of foun-

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dations. And if one shares the author's premise that governmental concern with foundations should be "limited to assuring the public that those who manage charitable funds are doing so with integrity and propriety," even the overall argument may contain some appeal.

THOMAS C. REEVES
University of Colorado

The Invisible Government *by David Wise and Thomas B. Ross. New York, Random House, 1964.—375 pp. $5.95.*

Intelligence services and their adventures in espionage and sabotage have always intrigued the public, and not infrequently attracted the attention of serious historians. Now, in part because of the publication of this book, contemporary intelligence communities and the agencies which sustain them are becoming a significant and accessible subject for political science analysis. Publication of this collection of previously scattered reports of surfaced activities conducted by Central Intelligence and other agencies was said to have upset at least some elements of the American intelligence community. Subsequent admissions and appraisals (most notably the New York *Times* series published in May 1966) have further substantiated the reports in this best-seller and reinforced the main thesis of these two thoughtful and responsible Washington journalists. Their thesis is that to a significant extent major policies of the United States in the cold war are established and implemented with the help of government mechanisms and procedures that are invisible to the public and seem to lack the usual political and budgetary constraints on their activities and personnel. The persons most directly involved are dispersed among ten or more official intelligence-gathering or operating organizations and are sometimes placed under the cover of seemingly quite private business, philanthropic, or research enterprises. The authors highlight the development of this government machinery since just before World War II and illustrate the wide range and modes of operation from "dirty tricks" known to have upset recognized foreign governments to quite subtle and potentially pervasive influences on scholarly and public opinion through support of educational, research, and publishing ventures.

While recounting a few apparent failures and successes, with special attention to Southeast Asia and the several Cuban affairs, the point is made that except by the crude act of dismantling a whole agency (as President Kennedy is reported to have contemplated doing for the CIA

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after the Bay of Pigs) it is extraordinarily difficult to maintain constraints and thereby control the manifold consequences of a particular project once initiated. But it is also evident from these accounts, though not sufficiently emphasized by the authors, that an invisible government created in part as an act of general policy to promote causes presently somewhat irrelevant to or even contravening specific official policies can thereby generate a range of interests and attitudes and hence policy options for the future which would not otherwise be available. If political pluralism, including many conflicts of interests as a corollary, is an accepted part of the American scene, then its promotion abroad may involve activities that are not immediately self-serving and would be self-defeating if exercised too openly. Organizations, as well as individuals, constantly have the problem of weighing the general advantages of pluralism against specific wastes and embarrassments arising from the deliberate promotion of inconsistency, confusion, and uncertain credibility.

Without considering how best to manage this insoluble problem, the authors' proposed prescription for politically responsible control, or at least for accountability, is to create a joint congressional committee and staff patterned after the Joint Committee on Atomic Energy, a pattern that the Congress in its own wisdom has thus far chosen not to extend to other areas. They recognize the difficulty of any formalistic checks, such as the separation of intelligence-gathering from operational functions, and the impossibility of anything more than nominal control by the president or boards of review comprised of respected private citizens. Indeed, the basic assumption of this book and rationale for its publication may be that effective political control can only follow from widespread public awareness of and concern about the sorts of activities now carried on in the name of The National Interest. This could strengthen the will of leaders in public affairs to keep themselves sufficiently informed and free to exercise timely restraint. To these familiar premises of democracy the authors add the all-important requirement of greater skill in anticipating likely success or failure of a project and in appraising its full costs and benefits in terms of major policy objectives. They do not provide much information about the particular criteria now used in recruiting personnel for our invisible government from among the nation's pool of educated talent, but they do point to the need for new kinds of insights and for more effective recognition of the fact that all the realities of modern government must be studied and understood by students and scholars before some among them are drawn into active service.

On-the-job training does not, apparently, develop sufficient awareness

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of the fact that even the accepted ends of the nation and of mankind, let alone those now only half articulated, may not always justify the means used to pursue them. Increased operating skill and intelligence concerning manipulable situations are no substitute for an overarching policy to create worthy political choices. Nor is such a policy to be confused with one which, through the activities of an invisible government, may too readily degrade the quality of policy options in the process of increasing their number. Mr. Wise and Mr. Ross have done a service to scholarship by assembling evidence of the depth of this policy confusion.

CHRISTOPHER WRIGHT
Columbia University

Congress: The Sapless Branch *by Senator Joseph S. Clark. London, Evanston, and New York, Harper and Row, 1964.—xviii, 268 pp. $4.95.*

Congressional Reform: Problems and Prospects *edited by Senator Joseph S. Clark. New York, Thomas Y. Crowell, 1965.—ii, 364 pp. $2.95.*

When asked about prospects for a particular proposed reform Senator Everett McKinley Dirksen once replied: "Ha, ha, ha; and I might add, ho, ho, ho." The Republican floor leader's sentiments are widely but not universally shared within the Senate. In recent years agitation for congressional reform has generally come from Democratic liberals, though it is instructive that congressional conservatives have their own proposed reforms (opposition to "back-door spending," for example). Senator Clark, who was a highly successful reform mayor of Philadelphia prior to his election to the Senate, has been one of the leading liberal critics of both internal congressional procedure and of the state of party leadership within Congress.

Senator Clark's volume constitutes a readable brief for the view that party leadership should be strengthened so that a majority (presumably of liberals) could commit the entire Democratic party to given policy goals. Something akin to this degree of party centralization existed under quite conservative auspices around 1900, but was a prime target of Progressive reformers of half a century ago. The empirical conditions which would permit or encourage such centralization, given our decentralized party system and use of primary elections, are not entirely made clear.

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The view also suffers from the criticism that a majority of a majority may well constitute only a minority of the total membership.

Senator Clark also differs from so firm a majoritarian democrat as Thomas Jefferson on the issues of adherence to procedure. Jefferson, while presiding over the Senate as vice-president, compiled his famous *Manual*, which is still reprinted in the volume of rules and manuals for both House and Senate. He began with a strong defense of the need for strict adherence to the rules as the only possible protection for a minority against "those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities." Jefferson went on to add: "And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is. . . ." It might be noted that Jefferson was viewing a Senate with a pro-Federalist majority, and that his views (as on some other issues) may have changed when he saw a Jeffersonian majority being checked by the rules. Indeed, in the unlikely event of a Goldwater presidency one can imagine the heroic obstruction that liberals such as Senator Clark or Representative Richard Bolling might put up via use of the filibuster or House Rules Committee. The question of whose ox is being gored is certainly not the whole story, but it should not be entirely forgotten either.

The book of readings presents a useful compilation of views on Congress in general, ranging from Richard Fenno's classic article on the House Appropriations Committee through a variety of other academic critiques and including some statements by legislators and journalists. One can safely predict only that few partisans are likely to be swayed one way or the other, but that the subject of congressional and party reorganization is an important one. The senior senator from Pennsylvania has performed one more public service in giving us a thorough statement of his own views.

HUGH DOUGLAS PRICE
Harvard University

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The Elephants and the Grass: A Study of Nonalignment *by Cecil V. Crabb Jr. New York, Washington, and London, Frederick A. Praeger, 1965.—xiii, 237 pp. $5.50.*

The Troubled Partnership: A Re-appraisal of the Atlantic Alliance *by Henry A. Kissinger. New York, London, and Toronto, McGraw-Hill for the Council on Foreign Relations, 1965.—xiv, 266 pp. $5.95.*

It has become a commonplace to say that the political world of 1967 is quite different from that which emerged from the Second World War. The postwar world had four main characteristics: two super-powers holding each other in check, a number of dependent states clustered around them, an increasing number of nations of the second or third rank seeking to remain unaligned, and competition between the super-powers for the allegiance of the unaligned nations. In other words, bi-polarity, the two-bloc system, neutralism, and great-power competition were the watchwords for the first decade or so of the postwar period. This world has well-nigh disappeared. The two super-powers are less concerned with their mutual hostility and competition than with the increasing power of China, threatening to overshadow their own. The two blocs are in the process of dissolving into their traditional national components. The non-aligned nations try to align themselves with each other in pragmatic configurations and in any event no longer adhere to the principle of non-alignment as an article of faith. And finally, the competition of the two super-powers for the allegiance of the non-aligned nations has abated in the measure that the futility of that competition has become obvious.

A wise American foreign policy would have anticipated these developments ten or fifteen years ago when their beginnings and inevitable consummation became obvious. It is characteristic of the intellectual backwardness of that policy that until the beginning of this decade it proclaimed, and acted upon, principles which in good measure had begun to become obsolete a decade earlier. It is only now that slowly, painfully, and pragmatically our foreign policy has begun to take those new developments into account.

It is the great merit of the two books under review that on a very high level of scholarly competence they endeavor to give a systematic theoretical account of the changes which have occurred in the political world, of the issues those changes pose for the foreign policy of the United States, and of the policies the United States ought to pursue in order to turn those changes to the benefit of our national interest.

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Professor Kissinger concerns himself with the Atlantic Alliance; Professor Crabb deals with the issue of non-alignment. Both issues pose quite different kinds of problems for the United States, and it is therefore inevitable that Professor Crabb's book is more compact and more definitive than Professor Kissinger's. The problem of non-alignment has not substantially changed in the last two years, with the exception perhaps of the accelerated deterioration of the United Nations by virtue of the mass of declaratory resolutions the non-aligned nations have been able to push through the General Assembly.

The problems to which the Atlantic Alliance gives rise are, of course, infinitely more complex and to a much greater degree subject to continuing change. Thus what was true two years ago in terms of analysis and what was advisable then in terms of policy are not of necessity still true and advisable today. When Professor Kissinger wrote, for instance, the MLF (the multi-national sea-borne nuclear force) was moribund but not yet dead, but it is dead now. The fundamental misunderstandings to which this ill-conceived scheme owed its existence and to which Professor Kissinger points with great acumen still linger on today. But they have taken on a different complexion under the impact of new developments in the two Germanies, France, and Eastern Europe. It has become clearer than it was two years ago to what extent what we took to be hard-and-fast German demands were in actuality contradictory and overlapping moods to be dealt with not with technological gimmickry but with psychological responses appropriate to those moods.

Thus while these two excellent books are naturally in a certain measure dated in so far as they try to give political answers to current problems, their theoretical analyses remain of great value to the student and practitioner of American foreign policy alike.

HANS J. MORGENTHAU
University of Chicago

Scientific and Engineering Manpower in Communist China, 1949-1963 *by Chu-yuan Cheng. Washington, D. C., National Science Foundation, 1965.—xx, 588 pp. $2.00.*

The unprecedented nuclear developments in the People's Republic of China since 1964 have drawn attention to the nature of implications of the scientific revolution across the Pacific. Yet despite the level of expertise evinced in China, Western monographic studies of science in con-

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temporary China are as yet hardly numerous enough to congest the scholar's bookshelf. The 1960 symposium on *Sciences in Communist China*, sponsored by the American Association for the Advancement of Science and edited by S. H. Gould of the American Mathematical Society, appeared in 1961, as did two studies sponsored by the National Science Foundation and prepared at the Library of Congress: Leo A. Orleans, *Professional Manpower and Education in Communist China*, and Wang Chi, *Mainland China Organizations of Higher Learning in Science and Technology and Their Publications*. And several Western scientists have recorded both travel data and professional insights, ranging from those of the Canadian geophysicist J. Tuzo Wilson in *One Chinese Moon* (1959) to the detailed report of the director of research of the New Zealand Forest Service, S. D. Richardson, *Forestry in Communist China* (1966).

Scientific and Engineering Manpower in Communist China is a massive new study which is both timely and absorbing. The product of a 1960 National Science Foundation grant to Seton Hall University and of the energetic commitment of Dr. Chu-yuan Cheng, now a research economist at the University of Michigan, the volume covers the period from the establishment of the Central People's Government in 1949 through 1962, the final year of China's Second Five-Year Plan. Such data for the two following years as were available in early 1965 are also included.

Cheng's conclusions are sobering, but hardly surprising. From the outset, the Chinese Communists demonstrated keen awareness of the long-term importance of mass education; and they registered substantial quantitative strides in training scientific and engineering manpower in the first decade and a half of their rule. During the 1949-63 period, nearly 1.2 million students graduated from colleges and universities in China (thirty-three per cent in engineering, ten per cent in medical sciences, eight per cent in agriculture and forestry, six per cent in natural sciences). At the same time, weaknesses in training and utilization of manpower were also apparent. In part, these weaknesses arose from domestic factors: political dogmatism on the part of the Communists, suspicion of Western-trained intellectuals, and a resulting shortage of qualified replacements for senior scientists and engineers capable of independent research. In part, they stemmed from international factors, notably the abrupt termination of Soviet economic and technical aid to China in the nineteen-sixties.

Despite these difficulties, Peking has recognized that the rate of growth of scientific manpower is a decisive factor in determining China's capacity for self-generating economic development and for independent

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production of nuclear weapons and missile systems; and its investment in scientific education should pay compound interest in the nineteen-seventies. Several specific facts deserve note. First, the mobilization of female abilities has been striking (women scientists comprise roughly one-fifth of the professional personnel of the Academy of Sciences at Peking, roughly half that of the Academy of Medical Sciences). Second, the Communists have made an unprecedented effort to disseminate simplified scientific information (on personal hygiene and public health, for example) and to raise the level of popular understanding of the importance of science and technology to national development. And, third, although basic research in mathematics and biology appears unimpressive, systematic planning has spurred progress in some new fields of science (nuclear physics, electronics, automation, jet propulsion, computers, semi-conductor physics, high-polymer chemistry, geophysics) and of technology (metallurgy, chemical and petroleum engineering, and industrial construction).

Cheng has drawn his data primarily from official publications from the People's Republic of China, with supplementary data, usually of only marginal value, from sources in Russian, Japanese, and English. He has organized these materials around five topics—development policy and plans, including the organizational structure of scientific research; training programs for scientists and engineers, with appraisal of quantitative and qualitative aspects; employment and utilization of scientists and engineers; the varying roles of Western nations (pre-1949) and of the Soviet Union (1950-60) in developing China's specialized manpower; the changing status of social scientists—and has concluded the study with an appraisal of trends in scientific training and development. Appendices provide texts of basic documents and listings of senior research personnel of the Academy of Sciences, the Academy of Agricultural Sciences, and the Academy of Medical Sciences as of 1964. Of particular value is Appendix IV, a pioneering two hundred-page compilation of skeletal biographical data on 1,200 scientists and engineers in China.

This painstaking study provides a trove of data—well organized and tabulated, though often under-analyzed—useful not only to students of contemporary China but also to others concerned with the interaction of science and social change. Paradoxically, despite his Chinese antecedents, Cheng perhaps has laid inordinate stress on the normative qualities of "Western" science in estimating Chinese accomplishments. One salient feature of the evolving scientific situation in Mao's China has been the dual employment of both modern Western and traditional Chinese techniques. This feature has been notable in the field of medicine,

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where the use of antibiotics and neuro-surgery has been paralleled by continued use of traditional Chinese techniques such as acupuncture and moxibustion. Its persistence in other fields as well suggests that the scientific revolution in contemporary China is a multi-leveled and multivalent phenomenon.

HOWARD L. BOORMAN
Columbia University

China and the Peace of Asia *edited and with a foreword by Alastair Buchan. New York, Frederick A. Praeger, 1965.—253 pp. $6.00.*

China and the Peace of Asia consists of fourteen papers delivered at a conference sponsored by the Institute for Strategic Studies in Great Britain and attended by some 180 scholars and experts from important nations of the world. The papers represent a happy mixture of scholarly analysis and official and semi-official views of the major powers most deeply concerned with Chinese power and policies. They are organized within a coherent framework and cover the most important subjects. Not too many conferences on international affairs with a policy orientation have produced a set of papers as uniformly high in quality and as relevant to the contemporary situation as the current collection.

When these papers were delivered, Peking's counterattack against Moscow in the world Communist movement had scored some unexpected success, as Klaus Mehnert describes in this volume. In South Vietnam, the Vietcong had been fully exploiting the political chaos to destroy strategic hamlets and to occupy many temporarily under-defended areas, as P. J. Honey shows. In Indonesia, the aim of Sukarno was the destruction of Malaysia, and important new alignments had linked Indonesia with Cambodia, North Vietnam, and North Korea, as George Modelski points out. In the next ten months, Khrushchev fell from power, Communist China exploded an atomic device, and an informal Peking-Djakarta axis came into existence.

Since the second half of 1965, however, the tide of events has suddenly turned against China in a drastic reversal of fortune. A communist coup d'état and a counter-coup by the army in Indonesia paved the way for the destruction of the P. K. I. and the termination of the Crush Malaysia Campaign. The new leadership in the Soviet Union pushed forward Soviet interests in the war in Vietnam with new vigor and unusual adroitness,

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revived Soviet influence in the Communist parties in North Vietnam and North Korea, put Peking on the defensive in the world Communist movement. The commitment of large American forces in South Vietnam and the bombing of North Vietnam changed the prospect of a quick Vietcong victory into the expectation of protracted struggle with an uncertain outcome. The probability of an American reprisal against China in answer to Chinese action in Vietnam has increased. After the Tashkent Conference, Pakistan has moved toward a less pro-Chinese posture, while India had shown new strength in fighting a large-scale war. On the other side of Asia, Japan has taken a more active part in Asian affairs.

The papers in this volume provide some of the necessary insights for an understanding of many of these recent developments. They suggest that most of the officials of the major nations believe, rightly or wrongly, that ideological factors have propelled Peking to seek fairly ambitious goals. These goals are defined in different terms by different authors: "the Communization of the world" (Kiichi Saeki and Kai Wakaizumi of Japan), "leadership of the Communists of the world" (V. C. Trivedi of India), extending "Peking's assertiveness to virtually every contiguous area and indeed beyond, down in South East Asia all the way to Indonesia, to Tibet and at least to the point of wishing to neutralize a permanently weakened India" (William Bundy), driving "Europeans and Americans out of East Asia" (Sir Robert Scott). However, the capabilities of Peking are totally inadequate to achieve these objectives. China's explosion of an atomic device and bomb merely made Peking more vulnerable, by "*lowering* the threshhold of provocation at which use of nuclear weapons against China would be effective and credible," as Charles Wolf argues. Because of the lack of modern weapons, the low strategic mobility of the army, unfavorable logistic conditions, and the scarcity of technical personnel, "Chinese capacity for sustained conventional action on a major scale outside her own borders is poor," as Samuel B. Griffith demonstrates. Peking rationalizes or tries to overcome this imbalance between her objectives and capabilities by the fundamental principle of Maoist military doctrine, that, to use Morton Halperin's words, "with a very small force one can triumph ultimately against overwhelming odds by a policy of gradual increase in one's strength while cutting down the strengths of the opponent." The strategy which they followed in the civil war and which they are trying to follow in their foreign policy is the strategy of the "people's war." The official American evaluation is that the Chinese Communists have "basically militant and aggressive designs [which] they would prefer to realize through wars of national liberation ... using every subversive technique, including guerrilla forces, where a favourable situation has been created." The American objective, stated

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more clearly by Bundy than before, is "that no single Asian nation should either control or exert dominant influence over other nations in the area, either in the area as a whole or in any significant region of it." This objective, together with the view that Peking regards Vietnam as a test for her strategy of people's war, led to sharp escalation of American effort in that area.

While Peking's pronouncements lend credence to her adversaries' analysis of her objective and have brought about forceful reactions to her policies, her capabilities lag far behind her avowed aims. Basically, this imbalance arose not out of her weakness in nuclear and conventional capabilities but from the limited applicability of the strategy of the people's war even in countries in underdeveloped areas. The reviewer in a joint article with Morton Halperin has tried to show some of the necessary conditions for the success of Mao's revolutionary strategy and points out that the convergence of these conditions is not likely to occur frequently. In his perceptive paper in this volume, David Galula, a retired major in the French Army, has come to the same conclusion via a different route. As he outlines it, the conditions for success are: a cause, a weak opponent, favorable geographical features, and outside support. He points out that the Chinese "have failed to realize how lucky they were in the course of their revolutionary war." Given the difficulty of the Chinese revolutionary process, "it is not surprising after all that so few revolutionary wars occurred in Asia since 1955." The Vietcong in Vietnam found it necessary to modify the Maoist model by initiating a campaign of "blind terrorism in order to advertise themselves and to disrupt the situation." Since the publication of this volume, the disaster that has befallen the Indonesian Communists has further proved the same point. The Indonesian Communists who subscribed verbally to the Maoist doctrine and who were the first to proclaim publicly the application of the strategy of surrounding the cities from the countryside to the world-wide struggle found it impossible to prepare for and to fight a people's war. When the decisive moment came, they resorted to, or at least supported, a coup d'état to seize power. After the Indonesian Army acted ruthlessly to suppress the revolution, they could not organize any effective guerrilla warfare against their opponents. The insights contained in this volume and recent developments should enable us to place Lin Piao's famous speech in calm and proper perspective.

With two or three exceptions, the papers in this volume were written by scholars or experts who are not primarily specialists on China. They stress heavily the points of view of the major nations other than Communist China and their interests, aims, and policies. Furthermore, most of the papers emphasize military factors. Thus, there is room for another

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volume of papers written from the perspective of Communist China and by Western specialists on China, which gives more attention to political relations. These papers would be more difficult to write, but would fill a gap in our knowledge.

TANG TSOU
University of Chicago

Religion and Politics in Burma *by Donald Eugene Smith. Princeton, Princeton University Press, 1965.—xiv, 350 pp. $7.50.*

Religion and Politics in Burma is the best available English language guidebook to the vicissitudes of recent Burmese politics. The author's central concern is with the political influence of the Buddhist church and with the extent to which the Burmese version (versions?) of Marxist-socialism have been modified by Buddhist ideology. The first three chapters are introductory; they deal respectively with the role of Buddhism in the nineteenth-century monarchy, with the relations between the Buddhist church and the British colonial power, and with the significance of Buddhism in the emergent nationalist politics of the prewar period. The rest of the book—two-thirds in all—is concerned with developments since 1950. Considered as a straightforward historical record of the three-cornered tussle between the Sangha (the Buddhist church), U Nu, and Ne Win, Professor Smith's analysis is impressive, though his use of the term "politics" is very narrow. In the context of this book it simply means the day-to-day actions of leading politicians. We are told nothing about the economic context of these religious controversies, and the Chinese, whose influence on contemporary Burma is very considerable, are scarcely mentioned. It should also be borne in mind that Professor Smith's first-hand acquaintance with Burma is limited (he was there only briefly in 1961 and 1963), that he does not speak or read the language, and that his use of Burmese source material is based on translation. Allowing for these difficulties the book gives a convincingly straightforward and self-consistent account of an extremely intricate series of events, but the author himself is plainly baffled by what he describes. As a good American he naturally feels that the "good" state ought to be secular, rational, and democratic, and though he is clearly more sympathetic to U Nu, the pious democrat, than to Ne Win, the secular military dictator, he finds the more fanciful religious activities of the former quite incomprehensible:

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> U Nu's Clean AFPFL won an overwhelming victory at the polls. The *nats* [supernatural beings] were immediately reinstated in official ceremonies. An *apyodaw* dance, for example, was staged to invoke the assistance of the *nats* when the prime minister officially opened the new Burma Broadcasting System building. At the ceremony to mark the beginning of the work of rebuilding the Mahazedi pagoda at Pegu, attended by U Nu and Judicial Minister Dr. E. Maung, tables with food offerings were laid and a separate place marked by a name card was provided for each of the 117 *nats* invited.

This kind of thing is unfamiliar country for modern political scientists, but Professor Smith is led astray when he infers that there must be a basic inconsistency between U Nu paying veneration to relics and U Nu praising the scientific intentions of modern Buddhism. By that standard, Roger Bacon and Duns Scotus and even Sir Isaac Newton must all be removed from the roll of rational men. Professor Smith has failed to provide us with a convincing explanation of why the modern Burmese system fails to work, but that is scarcely surprising. An aircraft which has never left the ground at all is probably earthbound by other things besides the private superstitions of the pilot and the chief mechanic. Hampered as he is by the pre-suppositions of the American capitalist Protestant ethic, Professor Smith assures us that "economic development in Burma can take place only as part of a broad pattern of social and cultural change in which basic values become increasingly secular." But maybe there are other roads to the Burmese heaven than through "economic development" in this sense. Professor Smith has, I think, failed to appreciate that in the eyes of a good Buddhist, everything which he, as an American, would assume to be desirable is nothing more than illusion. This is a valuable piece of historiography, but very inadequate as a guide to the Burmese political mentality.

E. R. Leach
King's College, Cambridge

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The League of Arab States: A Study in the Dynamics of Regional Organization *by Robert W. Macdonald. Princeton, Princeton University Press, 1965.—vii, 407 pp. $8.50.*

This competent, scholarly, and systematic study, as far as the reviewer is aware, is the first book-length treatment in English, and perhaps in any Western language, of the Arab League. Readers will find in it a clear and reliable survey of the record of the League's activities from its founding in 1945 until 1965 in the political, economic, social, and cultural fields, and of the development of its administrative structure and finances.

Possibly other students of Arab affairs have been deterred from writing on this subject by the apparent political irrelevance and futility of the League. Since its founding it has failed to make more than sporadic contributions to the political and economic integration of the Arab world, while its record in the cultural and social fields, though better, has been only modestly successful. As the author notes, despite the continuing popular appeal of the idea of Arab unity, the member states have been jealous of their sovereignty and suspicious of each other's designs, and they have evolved divergent national political and economic systems. Furthermore—a point that might have received more of the author's attention—this divergence has been greatly sharpened in recent years by ideological incompatibilities arising from the revolutionary socialist preachings of the rival regimes of Egypt and Syria. Except where the confrontation with Israel is concerned, the revolutionaries have tended to reject the very idea of cooperating on major matters with more conservative regimes through the Arab League.

While there is no doubt of Mr. Macdonald's academic soundness, his approach strikes this reviewer as somewhat excessively theoretical and abstract. His concern is to view the Arab League as a case study of regional organization within the framework of conceptions debated at the San Francisco Conference and incorporated in part in the United Nations Charter, distinguishing at length, for instance, between the idea of regional security of Article 52 and that of collective self-defense of Article 51; and he concludes the book with a long chapter of wide-ranging "reflections on regionalism." While these considerations are of some value, it seems doubtful whether it is really as profitable to view the Arab League from such a universal perspective as it would have been from within the context of the politics of the Arab world itself. The author does not ignore the latter, but refers to its elements somewhat summarily without the analysis they require if the reasons for the League's successes and failures are to be understood. This is particularly evident in his references to inter-

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Arab disputes that have come before the League (Jordan's annexation of Palestinian territory in 1950 and Lebanon's complaint of U.A.R. interference in 1958, for example) and in his discussion of the abortive plans for economic cooperation, in which we learn less than we should of the reasons for failure. As in the case of the United Nations, the League's political activities are surely more a reflection of the national policies of the members than of the organizational structure and conception of the international body.

MALCOLM KERR
University of California, Los Angeles

Anthologie de la littérature arabe contemporaine: Les essais *edited, translated, and with an introduction by Anouar Abdel-Malek. Paris, Éditions du Seuil, 1965.—464 pp.*

Mr. Abdel-Malek's pioneering collection of essays by modern Arab writers and political figures throws considerable light on the intellectual forces at work in the contemporary Arab world. Expanding his thesis for the *Doctorat du 3e cycle* in sociology to include material from outside the borders of Egypt, Abdel-Malek has provided highly readable translations of ninety items covering politics, philosophy, religion, and culture. In his brief but useful introduction he describes the historical context of these selections, which range in date from the late nineteenth century to the present, and provides a summary analysis of intellectual trends in the modern Arab world.

Abdel-Malek's selection is notable for its emphasis on the seriousness and wide range of modern Arab thought. The book provides a welcome contrast to the frequent items in the daily newspapers and elsewhere, often taken out of context, which tend to stress the shriller and less sympathetic sides of Arab nationalism. Like intellectual historians of most countries, Abdel-Malek stresses the higher levels of thought rather than the less intellectual trends that are often more influential with the majority of the population. The extremes of Arab nationalism and of Islamic fundamentalism and apologetics are only lightly represented, and there is far greater emphasis on university professors than on less educated writers. Abdel-Malek might have justified such a stress in his introduction, but with nothing said on the subject the effect of the whole is slightly misleading. The reader might also have appreciated less truncated versions of fewer items, so that he might judge a complete argument rather than only being treated to its highlights.

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One may also quarrel with Abdel-Malek's simple division of Arab thought into two basic trends—Islamic Fundamentalism and Liberal Modernism. "Fundamentalism" has basically the same meaning in French as in English, and it is misleading to group as fundamentalists all the divergent reformers and reactionaries who spoke in different senses of returning to the bases of Islam. Equally confusing is the grouping of everyone from Communists to conservative Westernizers as "Liberal Modernists." Such validity as the twofold classification possesses would better be stressed through other headings: for instance, "Neo-Traditionalism" or "Islamic Revivalism" on the one hand, and "Westernism" or "Modernism" (leaving out the debatable "Liberalism") on the other. Also, there might have been more effort at sub-classification, beyond the existing sub-classes of political and social thought; religion and philosophy; and esthetics and culture. As it is, different countries, topics, and trends are sometimes confusingly juxtaposed.

For all these limitations, Abdel-Malek's book provides one of the best existing introductions to the range of Arab thought in the past century. The entire Arab world from North Africa all the way to Yemen and Saudi Arabia is covered, and many thinkers are presented who have never been translated or discussed in a Western language. The editor has combed great masses of modern Arabic writing in order to cull some of its most interesting representatives, and the range of topics discussed is even more impressive than the book's geographic range. It is to be hoped that Abdel-Malek will continue his work in this field, and perhaps present us with a longer critical and historical analysis of some of the thinkers whom he here presents so attractively to the Western world.

NIKKI KEDDIE
University of California, Los Angeles

Urbanization and Migration in West Africa *edited by Hilda Kuper. Berkeley and Los Angeles, University of California Press, 1965. —viii, 227 pp. $6.95.*

This collection of essays presents in published form papers first given to an interdisciplinary seminar at the African Studies Center of the University of California, Los Angeles, in 1962. As a group their high caliber reflects the advantage of combining first-hand field knowledge of a problem with terms of reference which include a concern with both method and factual data. These are clearly experts with their sleeves rolled up.

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The main points of the discussion as summarized by Professor Kuper suggest that as a working party the seminar was highly successful, not only for the give and take between disciplines, but in the building upon suggestions put forward in the various papers. Unfortunately, too little space appears to have been allocated to the discussion to enable Dr. Kuper to trace the development of these themes in full. The reader is left to peruse the papers themselves and reconstruct the intervening arguments.

A case in point is Professor Banton's reference to the important differences between conditions associated with urban settlements in West Africa and those prevailing in South and Central Africa. Banton himself does not really pursue the point in detail. Professor Kuper's treatment of the comparison in her introduction is much fuller and will be of use to any future efforts at systematic comparison. The treatment of social stratification is a similar case. References are made to it in the papers, and judging from the summary of the discussion there must have been considerable cogent comment on this during the meetings. But as it appears in the introduction all we have is terse summary statements.

Which is only to say that the sessions must have been lively. But as we have here the material on which they were based, complaints are unchivalrous. The papers themselves are distinct, tightly argued essays dealing with very different aspects of the two interrelated themes of urbanization and migration. The geographer (Thomas), the linguist (Greenberg), the economist (Berg), the historian (Fage), and the sociologist (Wallerstein) give us a look at one or both topics from their own particular perspectives. Most at the same time manage to be provocative and to set up numerous lines of enquiry which one longs for the data to pursue.

Most of the papers treat either directly or in passing two themes which are central to any understanding of social change in West Africa. The first is the nature and functioning of the very deep involvement of city and hinterland with one another; the interchange between them is constant and goes on at many levels. This interdependence in turn cannot be irrelevant to the second problem, that of the basis for the sense of identity of the city dweller and of the migrant (they may or may not be one). The contributions of the social anthropologists are important here, Banton, particularly, but also Miner, Skinner, and Schwab each consider aspects of this problem in the setting of a particular society. For while recent events (for example, in Nigeria) have made it clear that involvement in the industrialized, urban world has not diminished the strength of tribal allegiance, it is equally plain that such allegiance today has a quite different meaning than it did fifty or one hundred years ago. Nor is it the sole identity of importance to either city or country dweller. Member-

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ship in occupational groups—army, civil service, police—has been decisive in recent events on a scale predicted in none of these papers. Clearly, no single concept will illuminate all problems, but given the rate of social change discussed in many of these essays, and given the emotional weight attached to people's feelings about themselves, the problem of identity is likely to prove central to much of the kind of behavior discussed in these pages. To have raised it is important. To take it into account in applying more formal analyses may prove vital.

ESTHER GOODY
New Hall, Cambridge, England

Kenyatta's Country *by Richard Cox. New York and Washington, Frederick A. Praeger, 1966.—203 pp. $5.95.*

Mr. Cox is a young journalist with the distinction of being one of the few persons to be expelled from independent Kenya. The Africans, he reports, considered him to be "an ill-intentioned colonialist remnant" (p. 13). His book consists of fourteen chapters on diverse aspects of the Kenya political scene and he refers to it as "my account of what Kenya is becoming under African rule" (p. 13). Essays on Kenyatta, the land question, the problem of primitive tribes, Blackanization—the drive to Africanize the structure of government—and the fate of the white community are parts of his account.

The book is written in an urbane journalistic style which gives an initial impression of objectivity. However, one of the author's stated motivations for writing the book as well as his unbalanced reporting and his historical inaccuracies soon dissipate that impression. Mr. Cox fears that the "anti-Colonialist writers who will assemble the textbooks of Kenya's history" (p. 76) will only reiterate the African view that colonialism was exploitative. Before this "becomes unassailable gospel" (p. 76) he hastens to tell us that British subjects by dint of "unremitting hard work" (p. 76) created an admirable society in Kenya which operated according to high and noble standards, while the successor African government exemplifies corruption, inefficiency, opportunism, prejudice, and undemocratic behavior.

A number of the essays have little to do with a book "on the transition from white rule to black" (p. 13). They are brief travelogues, vignettes of life among the primitives (Chap. 9, "A Tribe for the Connoisseur"; Chap. 10, "Somali Secessionists") or newspaper histories characterized by inaccurate research and much subjective interpretation (Chap. 7, "On-

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ward Christian Soldiers (Revised Version)"; Chap. 6, "The Last of the Happy Valley Crowd").

In those chapters in which Mr. Cox deals with the economic and political problems of independent Kenya, the discussion is seriously marred by cliché canards about the "African temperament" (p. 13) and an almost total lack of scholarly analysis. The African's desire to develop expertise on all levels of government and industry and to achieve African control of the country as quickly as possible is characterized as a "mania for Africanization" (p. 166) and is attributed to an African habit of living "for the *moment*, seeing neither the future with foreboding nor the past with much regret" (p. 165). Little appreciation of the complicated economic problems and the conflicts they produce is revealed by the author's conclusion that the trade unions were "irresponsible" (p. 195) for seeking wage increases. There is scant direct comparison of the colonial and African governments. Mr. Cox deplores the abridgement of civil liberties under the African government, but does not mention the complete lack of civil liberties for Africans under the colonial regime. He censures the move toward a one-party system, which he acknowledges had substantial popular support, but has no comment to make on the no-party system under which Africans lived during the colonial period.

Kenyatta's Country deals with events in Kenya that have already been more completely reported on by others who lacked the "personal bitterness" (p. 13) which Mr. Cox has (unsuccessfully) tried to erase from his account. It is Mr. Cox's restatement of the colonial view that white domination was best for Kenya. "The tragedy of the British Empire is that the British people never had the imagination to understand or sustain the colonies their kith and kin created . . ." (p. 80). For the settlers in Kenya "the party is over" (p. 12) and Mr. Cox is concerned for those who remain under what he considers to be an uncivilized regime. Flying out of Kenya he was moved to rue that they "were still down there on the ground, poor men" (p. 203). Mr. Cox's book adds to an already long list of lament for the erstwhile rulers of the now independent countries of Africa.

BARBETTE BLACKINGTON
Washington, D. C.

Man's Nature and His Communities *by Reinhold Niebuhr. New York, Charles Scribner's Sons, 1965.—125 pp. $3.95.*

The charm of this book lies in the quality of its moderation. It is the moderation not of timidity but of wisdom, and comes of a life spent in reflec-

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tion on difficult problems and of respect for whatever in the beliefs of others is fresh and deeply felt.

Dr. Niebuhr does not so much engage in controversy as express an attitude to life and to theories about man in society. In the first and longest essay in this short book, he discusses what he calls "idealist" and "realist" theories, of which the first emphasize man's social impulses and too easily become utopian, while the second take account only of self-regarding impulses. He writes best about thinkers who, like St. Augustine or Marx, are both "realist" and "idealist," speaking harshly of man as he is and lyrically of man as he might be, man regenerate. He is less perceptive about such doctrines as those of Hobbes or Locke; he even makes what would be serious mistakes if it were not that he merely was using the doctrines as examples of a way of thinking about man and society which is still widely prevalent despite its inadequacy. Dr. Niebuhr is not the most careful of scholars nor the most rigorous of logicians; he is more sensitive than lucid. His concern is not to expose logical fallacies or confusions of thought but to show how a doctrine or attitude fails to do justice to the complexities of life.

His admirers must sometimes wish that he wrote more simply and clearly. For he is an awkward as well as a suggestive writer; he sometimes uses ten words where five might do, and at other times conveys more than he actually says. His purpose is to get the reader thinking; and the reader who thinks as he reads must often pause in his reading, but he should do so to consider further implications and not to disentangle the writer's meaning from his words.

What, for example, does Dr. Niebuhr mean on page 27 when he says that "religious traditions may . . . degenerate from an obscurantist degradation of faith as 'basic trust' into faith as belief. . . . in propositions which may be historically dubious. . ."? Does he mean that the faith which is a trust in the goodness of God and in man's ability to respond to that goodness may degenerate into mere dogmatism? Presumably. But how oddly and clumsily he says it! Yet the point he makes is well made. Faith essentially is trust in God, and is not the conviction that only those who have certain beliefs about God will be saved.

The strength of Reinhold Niebuhr as a writer about human and social problems is that he is aware how often the findings of modern psychology and sociology confirm ideas about man implicit in religious doctrines, and that his familiarity with these doctrines helps him to notice what is thin or one-sided in contemporary thought. He uses religious ideas with great effect, as for example when he speaks of the social life of man as "a source of common grace," an unearned gift of spiritual

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security which enables him to "find himself" through his relations with others. He puts forward some telling arguments: that the doctrine of a "saving grace" is salutary as well as dangerous, because, though it makes for self-righteousness, it also helps men to transcend narrow loyalties to family, region, or nation; that the lust for power is less a substitute for love than a corruption of it; that a creature which learns to reason as it becomes social cannot be rational or happy in being merely self-seeking or entirely self-sacrificing, though in practice it comes nearer to being the first than the second.

This book discusses matters that touch life so nearly and at so many points that every thoughtful person must feel that he has something to say about them. Yet he may feel also that life has taught him more than he can put into words, and he may find in Dr. Niebuhr both an interpreter to speak for him and a guide to take him further than he has been able to go on his own. Consider Dr. Niebuhr's words carefully and get used to his awkward style, and you see that he has much to teach the hard-working and patient reader. But his style is awkward. He makes some fine points, and therefore the more's the pity that he too often fails to make them finely.

JOHN PLAMENATZ
Oxford, England

The Pure Theory of Politics *by Bertrand de Jouvenel. New Haven, Yale University Press, 1963.—xiii, 221 pp. $6.00.*

M. de Jouvenel, narrowly escaping being the twentieth century's Hobbes, here secures his position as its Hume. He shares Hume's taste for political thinking as an intellectual pursuit of the most rewarding order. He believes that Hume, on such crucial matters as the role of opinion and the viciousness of faction, has got to the root of the matter. He is Hume's equal in English style; his clarity, precision, and simplicity must be the envy of many whose mother tongue is English. The only thing he does not share is Hume's complacency about the political life of his own time.

It would be unfair to the author and the reader to attempt here a compressed summary of his carefully modulated composition. No more can be done than to indicate the range of his inquiry. Starting from a demonstration that man is a social animal, born dependent, remaining dependent on a reliable structured environment, necessarily interacting with others in ways that cannot all be construed in terms of contract and market relations, he moves on to statements about individual power (a man's

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power is his ability to move others); about individual authority (which is a result of every man's necessarily inadequate information, which makes each man rely, in his own decision-making, on the authority he attaches to others' views); about constituted Authority and its multiplier effect (an individual's authority can be multiplied by his using it to get into a position of Authority, since the amount of authority required to get elected to a position of Authority which enables a man to get something done by others is less than the amount required to get the same thing done by his private authority); about the resulting tendency to mediocrity in the persons filling places of Authority (because the multiplier effect of Authority is so great as to make it very dangerous in the hands of a man with huge personal authority); about the resulting tendency to slow rot in the established Authority, and to the emergence of competing authority which can capture Authority by violent change; about the natural antipathy between the political entrepreneur and the political rentier, and the impossibility of any society's being host to only one of these two types; about the natural antipathy between the "attentive" statesman, who seeks to forestall difficulties and evils in the body politic, and the "intending" politician, the thruster who knows what he wants and devotes himself single-mindedly to bringing it about, with the suggestion that as the pace of change in political life increases, efficiency in attentiveness decreases and the odds move against the Attenders in favor of the Intenders. All this and much more is developed with a clarity which again and again brings the reader up sharp, suddenly aware of relations unnoticed before, and delighted with the apparent possibility of all sorts of modern complexities becoming understandable in terms of principles so simple as to be self-evident. It is all beautifully Humean.

M. de Jouvenel's object is, he tells us, descriptive, not prescriptive. By "pure science of politics" he means a statement of the simplest scientific elements, upon which a more complex science might be built: his analogy is with pure as distinct from organic chemistry.

He believes that politics can be a science, one based on observation and hypothesis, but presented geometrically, moving from simple principles to elaborate deductions. So did Hobbes, whose conclusions M. de Jouvenel rejects, perhaps because Hobbes did not respect the line he draws between description and prescription. M. de Jouvenel is scrupulous in holding that line. The result is that when in the closing pages of this work he makes clear his own basic value premise—a deep abhorrence of violence in politics, as destructive of all that is humanly valuable—he is left with an overwhelming sadness. His aphorism, "politics is conflict" (p. 189) becomes in effect the proposition "politics is tragedy," for he is persuaded that conflict in its violent form is endemic in twentieth-century politics.

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Yet this conclusion, which overshadows *The Pure Theory*, is not required by the self-evident propositions and logical deductions which precede it. It is based rather on M. de Jouvenel's refutation (pp. 198 ff.) of "the Saint-Simonian idea that the ethos of industrial society inevitably outmodes the ethos of military societies." That idea, he says, is based on two propositions: (1) that violence cannot be anything but a means to the acquisition of material goods; (2) that violent means become, in an advancing industrial society, increasingly irrational means to that end. M. de Jouvenel rejects the Saint-Simonian conclusion, as well he might on the twentieth-century evidence. It is therefore a question of which of the two premises is at fault. He argues that the second is valid, and (therefore?) rejects the first: "the postulate that violence is nothing but a means to acquire worldly goods . . . is essentially a bourgeois postulate, unfortunately quite unfounded" (p. 199). But it may better be argued that the first premise is substantially valid and the second invalid; or, more accurately, that a permissible restatement of the first—"violence is generally a means to the maintenance or overthrow of a political system that sustains a certain kind of acquisition of material goods"—is valid, and that an equally permissible restatement of the second—"that violent means become increasingly irrational in a world divided between industrially advancing and industrially suppressed societies"—is invalid. Who, looking at the violence of the nineteen-sixties, would be prepared to say that it supports M. de Jouvenel's position rather than the alternative position here proposed? What else is the Western violence of our decades, typically designed to contain communism or to subvert post-colonial regimes that are held to threaten the Western way of acquisition, and what else is the violence of the anti-neo-colonialists, than an illustration of the alternative position?

M. de Jouvenel's pessimism about the chances of reducing the role of violence may be justified but is not analytically established. It would indeed be foolish to expect that the passions loosed in the world today can be calmed by the sweet reasonableness of a Kant or Rousseau or Rabaut. But is it unconsiderable that the reduction of violence will depend on a settlement, not in principle impossible, though not at the present rate of expectation of the contestants likely to be early, between the claims of (to paraphrase the modish jargon) the neo-exploiters and the neo-exploited? To make this suggestion is to accept M. de Jouvenel's distinction between "settlement" and "solution" of political problems (pp. 189, 207). Yet the implications of his proposition "what makes a problem 'political' is precisely that its terms admit no solution properly so-called. . . . What constitutes 'a political problem' is . . . its unsolvability" (p. 207), are curious. It is not inconsistent with a science that it should conclude that there is a class of "problems" which are insoluble. It is at first sight in-

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consistent to assert that there can be a political science and to confine its subject matter to that which is by definition insoluble. But the purpose of M. de Jouvenel's political science is not to "solve" problems, or even to "settle" them, but to haunt us with the thought that the permanence of settlements cannot be taken for granted and that fresh conflict may intervene, and so "to make us more effective guardians of civility" (p. 212). This is not an unworthy purpose. But to ask that it should dominate political science is in effect to ask us to abandon search for the terms of more lasting settlements.

C. B. MACPHERSON
University of Toronto

Gandhi and the Nuclear Age *by Arne Naess. Totowa, N.J., The Bedminster Press, 1965.—x, 149 pp. $5.00.*

In this study, an English revision of the original Norwegian work, the Norwegian philosopher emphasizes the empirical basis of Gandhi's nonviolence and then proceeds to examine all aspects of his political ethics, to compare his moral doctrines with those of other thinkers, and to consider the relevance of his thought for group conflicts in our day.

The central stress throughout is on the relation of Gandhi's teaching to resolution of corporate controversies. While the Indian leader rejected violence, he argued that men should not and could not avoid conflict; justice might, in fact, require that they initiate it. Nonviolence in its negative sense (merely the avoidance of violence) must arise out of a constructive program of many dimensions, and one having positive goals. Naess provides a good discussion of such terms as *himsa* and *ahimsa* and shows how Gandhi's principles repose on what he calls a "psychology of trust." One of the more attractive features of the volume is the analysis of Gandhi's outlook in comparison with the views of such figures as Luther, Hobbes, Nietzsche, Tolstoy, and Lenin.

In his treatment of the conceptions of power, force, and compulsion—so crucial for the thought of Gandhi—the author differentiates between power, which he argues is essential for political success, and force and compulsion, which, following Gandhi, he holds are not necessary. Stressing Gandhi's distinction between conversion and compulsion, he maintains, for example, that if an opponent redresses wrong as a result of the moral compulsion of a fast, rather than because he has been converted, force has been used. To be sure, Naess does contend that there is a vast

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difference between moral compulsion of this type and warfare: "What is achieved by moral pressure is not dependent on the maintenance of that pressure for its continuance, nor will people outside the conflict be directly injured by it" (p. 73). But the critic might well ask whether Gandhi's actual campaigns were examples of nonviolent compulsion (and hence "force") or rather instances of "conversion." Naess' answer is not clear, at least to this reviewer. Objectively, the campaigns were certainly more than efforts to convert. Surely the boycott of foreign cloth, for example, whatever the intent of the initiators, had an element of compulsion or coercion about it. Methods of this kind became what the late Krishnalal Shridharani used to call "war without violence." As such, while they were infinitely preferable to violent war, they were not merely means of convincing the opponent of the rightness of the Indian cause, at least if we employ "convince" in its ordinary usage.

In the spirit of Gandhi, Naess asks in conclusion whether it is possible to "construct a non-coercive foreign policy and a non-military defense policy" (p. 123). He believes that it is, and suggests five ways in which it can be done. First of all, he believes that national commitments ought to be clarified, on the Gandhian principle that violence declines as specificity in statements of objectives increases. The remaining four programs include a stress on international service as an end in itself; improvement of the internal policies of a society; the development of means for nonmilitary resistance to foreign invasion; and more systematic research into methods of nonviolence.

This is a thoughtful and a useful book.

There is a select bibliography but, unfortunately, no index.

MULFORD Q. SIBLEY
University of Minnesota

The Logic of Collective Action: Public Goods and the Theory of Groups *by Mancur Olson Jr. Cambridge, Mass., Harvard University Press, 1965.—x, 176 pp. $4.50.*

Olson is dissatisfied with the study of groups by political scientists and proposes an approach of his own. There are, of course, many separate studies of special groups (mainly, but not only by political scientists); there have been studies of bureaucratic organization; and there have been directories of lobbies and other organizations with the names and numbers of all the players in the business of representing special interests. The trouble with preceding works about the behavior of groups

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is the assumption they make that groups of individuals with common interests will act on behalf of their common interests much as single individuals are expected to act on behalf of their personal interests; and Olson cites Laski and Aristotle (in that order) for the proposition that organizations exist to serve the common purposes of their members. Although these are propositions of the most innocent vacuity, Olson reads the writ against the author as though he were foreclosing a mortgage. There are, he says, "individual" interests which are different from the common interest, and the two are not always the same, a hallowed dictum that has been starting fires since the time of Antigone.

To Olson, the combination of individual interests and common interests suggests an analogy to the competitive market, and his book is an explication of the analogy. In the market, most fundamental services—like higher prices—are available to everyone. These common and collective benefits are called "public goods." The structure of the market is perceived in three forms: monopoly, oligopoly, and atomistic competition, and the analogue of monopoly among non-market groups is the single individual outside the market seeking some collective good, some good without external economies or diseconomies. In the size range that corresponds with oligopoly in market groups, there are two kinds of non-market groups: the "privileged" and the "intermediate." The privileged group is such that each of its members, or one of them, has an incentive to see that the collective good is provided even if he has to bear the full burden of providing it himself (p. 50). In such a group there is no need for organization or coordination.

An intermediate group is one in which no member gets a share of the benefit sufficient to give him an incentive to provide the good himself, but which does not have so many members that no one member will notice whether any other member is or is not helping to provide the collective good. In such a group, no collective good may ever be attained without some group coordination or organization. The analogue to atomistic competition in the non-market situation is the very large group in which no one member can make a noticeable contribution to any group effort, and no one therefore has any spontaneous or autochthonous reason to contribute. Only a separate and selective incentive will stimulate a rational individual in such a group to act in a group-oriented way. These separate incentives may be negative or positive, coercions that punish or goodies that reward. Since such a group —called "latent"—is, by definition, inert, one which has been led to act in the group interest through carrot or cudgel is called a "mobilized" latent group.

In this exercise in social morphology, these phyla have instrumental

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properties. Small groups *act*, or at least most of the members do. Most of the members of large groups do not act without selective incentives. Consider the labor unions. They are large because of the coercion of compulsory membership and job control. How about the Marxian apocalypse? It lacks credibility because class-oriented action will not occur if the members who make up the class act rationally. Self-interest will keep them from investing their energy and other assets in the overthrow of the bourgeoisie, the presumed public good, because if it is ever overthrown, they will benefit anyway. What about lobbies? The lobbies of large economic groups are the by-products of organizations that have the capacity to "mobilize" a latent group with "selective incentives," that is, either coercion or the proffer of positive inducements. A theory of "special interests" accounts for the small pressure groups.

What is offered as a general theory of groups does not, as Olson admits, work very well for non-economic groups (p. 161). In fact, he thinks that psychology or social psychology probably provides better explanations than economics for what goes on in the universe of non-economic groups. One difficulty in judging the virtue of this disclaimer is that the author never really indicates what a group is. The word is synonymous with organization (p. 5), with associations (p. 6), with the "state" (pp. 7, 12), the firm (pp. 36-37), the family (p. 18), labor unions (p. 66), and so on. All the substantive richness of group relations—fathers and sons, Guelphs and Ghibellines, vassals, lords, and priests, kings and catechumens, sanitation districts and Cosa Nostra, rotten boroughs, the Julians and the Flavians, New Englanders and Little Englanders, the Hanseatic League and the Little League, and a myriad others—all this diversity is leached, bleached, washed, and rinsed out in the simple taxonomy that Olson uses, which is size. But even if one uses this simple variable (p. 43), the residue has a specious specificity, for we never find out what is big and what is small. Logic is assumed to be the governing principle of the categories Olson uses, but it is logically conceivable that some group of, say, fifty thousand is such that any member will know whether any other member is contributing to the collective good, which would make it a small one or one of intermediate size, instead of the large group that common sense says it is. The distinction between logic and experience is not always as carefully observed by Olson as Justice Holmes once thought it ought to be.

There is a wonderful actor in the book, a favorite of Olson's and of workers with game theory—the Rational Man—whose goal is the maximizing of the expected value of some utility function within a set of pre-determined conditions. When he is in a small group, he works as hard as though he were alone, if he thinks that he has something personal

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to gain. When he is a member of an intermediate group, he contributes to the production of collective goods only because everyone else is watching him. When he is a member of a large group, he shirks his contribution to the production of collective goods unless someone pushes him around or he figures that there is something special in it for him.

Surely this is an incomplete psychology, even for economic analysis. If the domestic life of the Rational Man were fully described, it would doubtless be found that he saves the cost of rubbish collections by surreptitiously placing wrapped trash in the refuse cans of the local supermarket. If he ever marries—which he may find it unecomonic to do—he deserves to become the subject of a play by Edward Albee.

Space limitations make it impossible to do Olson's interesting book real justice. It has already been indicated that it should not be accepted uncritically, but it takes a whole fire department to get a cat out of a tree and it would take many pages to instruct the reader in the misgivings that a political scientist feels about the work under review. Even with these misgivings, it may be said that the author imparts fresh sense to tired words like "genuine contribution" in his study of groups in the processes of politics and economics, and it should be taken seriously by all who take this study seriously.

EARL LATHAM
Amherst College

Beyond the Nation-State: Functionalism and International Organization *by Ernst B. Haas. Stanford, Stanford University Press, 1964.—xii, 595 pp. $11.50.*

Like Topsy, the International Labor Organization "just growed." *Beyond the Nation-State* describes and evaluates that growth for what it may tell us about the integrative drift in international organization, a drift which is often neither intended nor even foreseen by the organization's participants. Ernst Haas combines massive theoretical inquiry and painstaking empirical research. He deserves high marks for a noble effort to avoid both untestable hypothesis and pointless detail. If in the end he arrives at some not very startling conclusions by an apparently circuitous route, he has meanwhile taken his reader on a genuine voyage of discovery.

Professor Haas describes this two-in-one effort as "self-consciously eclectic." Five hundred pages of text and sixty-seven pages of footnotes later, this reviewer can only say "Amen." In reappraising theory rele-

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vant to functionalism and international organization, Haas leads his reader through the functionalist utopias of the old-time advocates of "peace by pieces," into the conceptual labyrinths of functional sociology, past the theoretical structures of the international relations systems-builders, and along the dizzy heights of paradigm construction. Then follows a descent into the subterranean galleries of ILO participant and office behavior. On the return trip Haas offers views of the dream castles of pluralism and the jungle of emergent nationalisms. At the end of the voyage we see on the horizon a new world in the making, a world of "hetero-symmetrical multipolarity."

I have been able to detect only two lacunae in his remarkably wide-ranging bibliography: Arthur Salter, *Allied Shipping Control* (Oxford, 1921) contains in its Part V one of the purest statements on record of functionalist utopianism. Percy Corbett's analysis of the relationship of individuals to world organization—*The Individual and World Society* (Princeton, 1953)—is one of the most interesting previous studies in which the ILO experience is suggestively exploited.

The Haas vision of a future institutionalized, "integrated," interest-group world politics in which resort to violence is progressively foregone is one which any pragmatic meliorist will find reassuring. But how much more is there to this vision than the "peace by pieces" utopia of the Arthur Salters and the David Mitranys, dressed up in the modern language of functional sociology and systems theory? And if there is an inherent integrative drift in international organization, as there is also in scholarly activity which redefines national interest in ways compatible with world community interest, how many other drifts—disintegrative or integrative on a less than global basis—are there of which one must take account in forecasting transformations in our present world political system? Haas concludes on a note of restrained optimism about the prospects for integration. While he has taken formal account of these other drifts, he does not in his prognosis strike a balance between the forces which promote and those which impede progress toward integration on a global basis. In this century world revolution, disimperialism, and technological change have had, are having, and no doubt will have as dramatic differentiating as integrating consequences. Differentiation may not always mean disintegration, but it complicates the task of integration enormously.

This self-consciously eclectic book is also unself-consciously schizophrenic. One can only applaud the systematic effort to make explicit the empirical referent for each element of Haas' paradigm. There is, however, far more "case," or at least far more of the ILO case, than the theo-

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retical argument requires and far more "theory" than a book which was really about the ILO would have required. Haas has chosen to write for both a theory and an ILO audience simultaneously. To the extent that these two audiences do not overlap, each will find parts of the book which offer him more than he bargained for. Had the author been forced to choose, he almost certainly would not have said that he was writing about the ILO for its own sake. In that event, one could reasonably ask how much of the ILO material is essential to understanding the last chapter, in which the reader is led up to the gates of, but not into, the promised land of moderately integrated "hetero-symmetrical multipolarity."

This is not to say that there are chapters in *Beyond the Nation-State* which cannot be read with great profit, but only that their value does not always coincide with Ernst Haas' ostensible intentions. The book builds so many bridges between so many kinds of speculation relevant to understanding contemporary international relations that I am tempted to say that it will have more important unintended than intended integrative consequences for the study of international organization, and indeed of international relations in general. Thus, Haas states more clearly than I have seen it stated elsewhere why systems theory, which directs attention to the self-maintaining features of the prevailing system, needs to be supplemented by transformation theory. Moreover, he takes some important first steps in the construction of the new theory.

Once again, Ernst Haas has demonstrated his talent for pursuing the study of international organization far beyond the naming of parts.

WILLIAM T. R. FOX
Columbia University

The Yearbook of World Affairs, *1965. New York and London, Frederick A. Praeger for the London Institute of World Affairs, 1965.—xvi, 389 pp. $12.50.*

This number of the *Yearbook* follows previous patterns, including research articles, eleven in number, and review articles on books dealing with various aspects of international relations. The articles cover a variety of subjects and inevitably are of unequal interest to any one person and of uneven quality. However, they constitute a useful contribution to our understanding of current issues and developments.

The lead article by Professor Geoffrey L. Goodwin of the University of London is one of the best short analytical articles available on the

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United Nations Conference on Trade and Development. Professor Errol Harris' piece on the "Ethical Implications of the 'Cold War' " convincingly delimits and justifies the role of force in social relations. Professor H. L. Nieburg contributes a balanced evaluation of the International Atomic Agency's achievements and prospects. G. V. and Margaret Doxey give us a dispassionate analysis of the racial situation and prospects in South Africa, extremely valuable for background, though somewhat dated because of recent developments, particularly as regards Rhodesia. Professor R. W. Steel's piece on "Economic Change in Ghana" deals with the period before the military takeover and is strangely silent on the economic failures of the Nkrumah regime. P. Lyon, writing on "Seato in Perspective," gives us a lucid analysis of the stakes of members and of states within the treaty area, while seeing little security resulting from it. Miss Usha Mahajani contributes an original and stimulating comparison of foreign aid policies of selected donors to selected donees in the Southeast Asia area. E. B. Brown reviews the progress of treaty-law in Europe dealing with conditions of labor and protection of human rights. Dr. Shabtai Rosenne makes a major contribution to our understanding of "Relations Between Governments and the International Law Commission." Professor Zemanik of the University of Vienna summarizes the work of the United Nations in developing the law of outer space. And, finally, M. Georg Schwarzenberges, director of the Institute, in an essay entitled "Beyond Power Politics?" advances a preliminary sketch of a further development of his theory expounded at length in his *Power Politics* (1964). All in all, a useful collection though an expensive one.

LELAND M. GOODRICH
Columbia University

The Theory and Practice of War: essays presented to Captain B. H. Liddell Hart on his seventieth birthday *edited by Michael Howard. New York and Washington, Frederick A. Praeger, 1966. —x, 377 pp. $10.00.*

If any modern Western military writer deserves a *Festschrift*, that thinker is Captain (now Sir) Basil Liddell Hart, long known as "the captain who teaches generals." Author of some thirty books on war (translated into more than thirty languages) ranging from detailed studies of military history and tactics to an original treatise on higher strategy (*Strategy: The Indirect Approach*), the British theorist has made his influence felt not only in Germany and the Soviet Union but also in France, the

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United States—and even Britain. Among the prominent fighters of our time, both Rommel and Guderian acknowledged Liddell Hart as their mentor in mechanized operations, and Patton avowed that "his books have nourished me for twenty years."

Given the distinction of the man to whom it is dedicated and the professional position of its editor, Michael Howard, professor of war studies at the University of London, *The Theory and Practice of War* merits serious consideration as a contribution to the study of modern warfare. The editor has planned the volume with two objectives: first, that the contributions should be grouped around a single theme, the development of strategic and tactical theory in the West from the eighteenth century to our own day, and, second, that the contributors should represent the several categories and generations of thinkers and officers whose work Liddell Hart has influenced.

In implementation of this dual mission, Part I (five chapters) treats selected aspects of the evolution of military affairs in the West, essentially from the post-Napoleonic period to 1914. Starting with comparatively solid assessments of Jomini and Clausewitz, the most influential military theorists of the nineteenth century, treatment is given bulk by essays on command and staff problems in the Austrian army, 1740-1866, and doctrine and training in the British cavalry, 1870-1914, which will be of great interest to researchers in these fields; and by a more general chapter on European military thought from 1870 to 1914. A second section (also five chapters) deals with the period between the world wars, with two essays paying specific tribute to Liddell Hart's wide influence. The volume concludes with five papers covering military doctrine (primarily) after the Second World War in Russia, the United States, Britain, and Israel. As for the contributors, they are fifteen in number and are roughly balanced between military historians and professional officers: seven are British; five, American; the others, Australian, French, and Israeli. The book also includes a biographical summary of Liddell Hart's career and a classified bibliography of his books.

The most apparent fault in the structure of the volume is that it omits consideration of military theory and practice during the two world wars, treatment of which, despite the plethora of official and other materials already available, would appear prerequisite to consideration of the topic promised by the book's title. Only two of the fifteen essays cover periods explicitly overlapping with 1939-45, and none with 1914-18. As it stands, *The Theory and Practice of War* is primarily concerned with peacetime doctrine and training, at best only a first-order approximation of the highest realization of military strategy in time of war.

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As for approach, the papers may all be classified as generalized or reflective history: description of what happened in the field of military affairs in a specific portion of space-time. No reference is made to analytic tools such as game theory, decision models, or utility analysis. As a result, while the essays avoid that over-generalization characteristic of many social scientific treatments of historical subjects, the majority miss their target: elucidation of military theory. The editor does not specify what meaning he attaches to "theory," but presumably that label might be construed to embrace such tasks as analysis of basic determinants of military power and strategy within the context of history, geography, or the interaction of science and military technology; and construction of generalized hypotheses about trends in the military art, employing the logical-statistical apparatus of modern social science. None of these tasks is remotely approached.

The point may be generalized. *The Theory and Practice of War* is a solid example of an historically-oriented approach to military studies entrenched on both sides of the Atlantic: concrete, discursive, informal, empirical. The value of this method to the study of war is great, and probably appropriate in a book dedicated to one of the method's principal exponents; but the approach has limitations. Lack of rigor in methodology and vocabulary gives the present volume a certain amorphousness: a lack of central purpose which detracts from its credibility as a contribution to modern military *theory*.

In the last analysis, however, the shortcomings of *The Theory and Practice of War* should be viewed not so much as a failure of the book itself as of the intellectual framework within which the book was planned and written. Any social science—and by its nature the study of war and military theory should be so classified—must reach a point in progress toward maturity when it advances beyond traditionalist methodology to a level of treatment which subordinates history to theory, description to analysis. The professional study of war has not yet reached this stage.

SCOTT A. BOORMAN
Cambridge, Mass.

The Management of Prosperity *by Arthur F. Burns. New York, Columbia University Press, 1966.—70 pp. $3.50.*

This small but meaty book is somewhat in the nature of a progress report. A former chairman of the Council of Economic Advisers and con-

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tinuing president of the National Bureau of Economic Research examines the record of national economic developments during the second decade under the Employment Act and some contemporaneous developments in economic thinking on the problem of unemployment and on promising "pathways to stable prosperity."

The first of these three Benjamin F. Fairless Memorial Lectures briefs the economic annals of "our longest business expansion" from the 1957-58 recession to the currently-running boom. Burns' analysis of public and private policy factors in this record-breaking expansion is incisive but commendably objective:

> If the new administration [in 1961] cannot be credited with initiating the revival, it did assume a very active role during the process of recovery and in turning what might have been an ordinary expansion into a remarkable upsurge of the economy . . . through its willingness to pursue a liberal fiscal policy and to support it with as much monetary ease as our balance of payments might allow.

Even so, "the course of our economic expansion has been quite uneven" and it involves many factors besides fiscal and monetary policy—such as business inventory management, rates of plant building, and stock market and consumer psychology. To conclude that "the business cycle has been mastered and that our government authorities already have the knowledge as well as the power to extend prosperity indefinitely" is premature.

The problem of unemployment, which is the other side of the GNP coin, is faced in its staggering complexities in Burns' second chapter. Rather than allowing the issue to repose on the over-simplifications of aggregate demand, this chapter faces the realities of private job demand and human labor supply, both of these factors in their qualitative as well as their quantitative aspects. Current trends in our fleet-footed science and technology and our slow-footed adaptations in education and training suggest the imminence of "a sort of dual economy, with persistent shortages of skilled labor existing side by side with surpluses of relatively unskilled or inexperienced labor"—a predicament for which fiscal and monetary measures have only indirect and sometimes perverse answers. This chapter makes perceptive comment on the collateral impact of such measures as unemployment insurance and government and private pensions on the unemployment problem, but it does not probe for possible functional relationships between our institutions and mores of administered prices and collectively bargained wages and the expansion or constricting of jobs or of consumer purchasing power in the mass market.

"Pathways to stable prosperity" as Burns envisages them seem prom-

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ising in the light of actual developments since early in this century. The Federal Reserve System set up safeguards against monetary spasms, and further stabilization devices followed in farm and homeowner loan banks, with long-term amortised mortgages. SEC helped fence the pathway of sustained prosperity against one major kind of menace, and such redistributive contrivances as unemployment insurance and a variety of pension plans, private and governmental, helped to "build a buffer between the fluctuations of production and the flow of income to individuals." The new sense of government responsibility and of rising business and citizen sophistication was expressed in the Employment Act of 1946.

Burns discounts some of the extravagant claims of the "new economics." But he puts the whole issue in the open-minded perspective of the true scholar:

> If the "new economics" has contributed much to the [sustained] expansion, the "old economics" too has made its contribution. And if some advocates of the "old economics" have yet to learn that fiscal deficits and monetary ease will not always produce inflation, so too must some of the advocates of the "new economics" still learn that their favorite instruments of policy, if pushed beyond a point, may readily bring on inflation and undermine prosperity.

EDWIN G. NOURSE
Washington, D. C.

Three Worlds of Development: The Theory and Practice of International Stratification *by Irving Louis Horowitz. New York, Oxford University Press, 1966.—xiv, 475 pp. $8.50.*

Studies which attempt to survey world trends and to characterize the major attributes of the First World (the United States), the Second World (the U.S.S.R.), and the Third World, are courageous undertakings. It is desirable that somebody should make the attempt in an era of ever-increasing scientific specialization. The built-in difficulties, however, are only too evident in this work.

Professor Horowitz has read extremely widely. Unfortunately, however, no clearly-argued central theme ties together the mass of data and observations filling the 475 pages of this book. The author's specific comments on a multitude of issues are often illuminating; but the general impression is that much of the work was dictated onto a tape-recorder: the book would be vastly improved if reduced to half its length. Dis-

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cussions of classical social theories, evaluations of contemporary "conventional wisdom," and the varied and enormous literature of "development" are weakly linked, so that one is time and time again lost in a sea of comment from which no sharply-argued central theme emerges. The "model of models" at the end does not connect at all closely with the foregoing mass of material, and is no substitute.

Within a dozen typical pages, for example, we find (on the United States) a discussion of religious "ethics," egalitarianism, social mobility, decision-making in the higher nervous centers, work and leisure, mass society, nineteenth-century expansion, education and social mobility, trade unionism, etc., etc. The result is that nothing is *intensively* analyzed, and that the discussion runs off in all directions at once.

Paradoxically, such crucial issues as the role of planning, the actual policies of the blocs and groupings, the analysis of aid, the characteristics of ideologies, the problem of "nation-building" are nowhere subjected to hard, specific analysis, least of all in any central type-cases. The author has an unfortunate penchant for rhetorical capsule formulations which raise far more questions than they purport to answer (for example, "the American style of colonialism was republican in form and financial in substance, whereas the European style was Caesarist in form and military in substance," pp. 116-17).

Admirable in its intentions, the book fails to do what it sets out to do. Lack of "thinking-through" produces contradictory statements (the Third World "exhibits a powerful leader principle" on page 227, but on page 240 invests absolute power in the *party*), and, at worst, degenerates into unconnected rambling. And, in a world survey, the crucial significance of China, and of the peasantry, is not adequately and centrally confronted. It is a pity to see so much learning wasted for lack of analytical focus.

PETER M. WORSLEY
University of Manchester

Development Planning: The Essentials of Economic Policy *by W. Arthur Lewis. New York, Harper and Row, 1966.—278 pp. $4.95.*

Professor W. A. Lewis presents this volume as a "short and simple introduction . . . for the intelligent layman." His new book, however, is no ordinary summation of the "state of the arts" nor is it always easygoing.

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It may be conjectured that it started out with what is now the ninety-seven-page chapter "The Arithmetic of Planning," which deals with the methods of projecting growth rates for output, investment, and financial resources, and of achieving consistency among the various projections. Up to the point when the author tackles input-output analysis and linear programming, this is probably the most lucid treatment available of a subject that is often presented in unnecessarily esoteric form. One of Professor Lewis' great virtues is the possession of an unfailing sense for economic magnitudes and their interrelations and the resulting ability, often in short supply among planning officials, to detect unreasonable targets or contradictory objectives. The sections on input-output and linear programming are a heroic attempt to bring these matters similarly down to earth, fairly successful in the former case and rather less so, in my opinion, in the latter. As a whole, this chapter is an invaluable contribution to the "common sense" of economic planning, to an intelligence of how the arithmetic works, what role it can play in making economic policy more rational and what its limitations are.

The rest of the book is devoted to matters of economic policy and administration. The chapter on Plan Strategy, the longest of the book, tackles almost all the leading development issues, from capital intensity to inflation, from the distribution of income to foreign aid, in a manner that is liable to leave the reader a bit breathless. Professor Lewis' principal themes build partly on his earlier writings about "unlimited supplies of labor" and "balanced growth." At this time, he stresses the need for breakthroughs in agriculture, and the importance of providing for regular increases in consumption and of relieving unemployment, be it at the cost of dampening the growth rate. In this fashion, a definite attempt is made to take political "reality" into account, although at other times the author resorts to the unhelpful device of propounding political prerequisites for growth ("a good Civil Service," p. 100) or reacts, like many a frustrated expert, to the appearance of political forces as though they were purely capricious and destructive of the rationality that might be achieved by the economist if only he were left to operate by himself (p. 70).

An interesting contribution in this part of the work is a new "stages" theory for developing countries which assigns different roles to trade and to the home market as successive agents of growth. Essentially the successive leaders are: first exports, then domestic import-substituting industry, then domestic agriculture, and then exports again. While the author disclaims any universal or unidirectional validity for this sequence, it is an excellent summary of presently discernible trends.

The author is on occasion carried away by his penchant for proclaim-

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ing sweeping, universal laws or for issuing seemingly precise rules-of-thumb. But he makes up for this foible by the numerous shrewd points with which he also intersperses his text: I cite the observation that opportunities for borrowing are an important influence on the rate of saving since many people first learn to save by accumulating the funds needed to repay a loan.

ALBERT O. HIRSCHMAN
Harvard University

Human Behavior: An Inventory of Scientific Findings *by Bernard Berelson and Gary A. Steiner. New York, Harcourt, Brace and World, 1964.—xxiii, 712 pp. $8.95.*

In writing this book Berelson and Steiner have undertaken a herculean task, and all of us who use in our own work the findings of the behavioral sciences are in their debt. The book is an authoritative overview of the more dependable and significant generalizations about behavior which have been established, or at least partially established, by anthropologists, psychologists, sociologists, and behaviorally-oriented economists and political scientists. The 1,045 major findings are presented in a sequence that begins with the individual, moves on to the family and small groups, and outward to organizations, institutions, social stratification, ethnic relations, mass communication, opinions, society, and culture. The eight chapters running from the study of organizations to culture will be of particular interest to behaviorally-minded political scientists. It is hard to think of a better single reference for summarizing what we now know about these matters. As the authors put it, the book is indeed an inventory, and it consequently has the virtues and defects to be expected of inventories. Among other things this means that the baldness of formulation, the absence of complex qualification, and the necessarily patchy analysis of evidence will set some teeth on edge, but these characteristics seem inevitable in a book of this sort, and I do not regard their presence as a basis for criticizing the authors. I mention them only as a warning to the reader who might expect too much depth of treatment.

It perhaps would have been possible to give a more accurate and probing assessment of the rather different kinds of evidence cited in support of the 1,045 findings, but a serious change would have required a much

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more technical book that would have been considerably less accessible to a broad spectrum of behavioral and social scientists.

What one looks for and finds disappointingly absent among the many conclusions are theoretical propositions that unify and conceptually organize significant parts of the behavioral sciences. This lacuna does not represent an omission on the part of the authors, but is rather testimony to the present state of the behavioral sciences. I would like to emphasize, however, that it is too easy to claim that the natural sciences, particularly physics and chemistry, are clearly different in this respect. Even in physics the relation between theory and general empirical findings is complex and not easily schematized. A man who wants to design efficient television antennas, for example, would not be much helped by a formulation and explanation of Maxwell's fundamental equations for electromagnetic phenomena. A great deal of additional development, involving a large number of experimental results, would be needed to get to his particular design problem. I do not mean to suggest by this example that we yet have anything comparable to Maxwell's theory in the behavioral sciences. It is rather to argue that as theory does develop—and it seems to me there are some definite signs of encouragement in the last decade—the relation of theory to empirical fact in any domain of the behavioral sciences will not be simple. In view of what seems to be the almost inevitable statistical nature of the theories we can hope to have in the near future—they will at least be thoroughly probabilistic in their relation to data—it does not seem likely that anything as relatively elementary as classical physics will emerge.

Although it may seem premature, in my own judgment a companion volume surveying the most acceptable systematic theories current in the various parts of the behavioral sciences would be an attractive addition to the very useful work of Berelson and Steiner.

PATRICK SUPPES
Stanford University

On the Shoulders of Giants: A Shandean Postscript *by Robert K. Merton, foreword by Catherine Drinker Bowen. New York, The Free Press, 1965.—ix, 290 pp. $5.95.*

This is a magnificent isnadic jest, tracing backward and forward through time a famous sentence in Isaac Newton's letter of February 5, 1675/6, to Robert Hooke.

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In some respects Professor Merton treats the image of dwarfs standing on the shoulders of giants as Panofsky would an iconographical element, showing its extraordinary survival capacity and the multifarious ways in which it was incorporated into new environments and contexts over the centuries. Some literary historians will doubtless feel in their flesh the barbs of Merton's virtuosity. He does not, of course, pretend to be exhaustive in citing instances of the use of this phrase in all times and places, and it would not be meaningful to add references to his long list. But in the interests of dead-pan scholarship, one cannot refrain from suggesting a wholly different dimension of interpretation of the words actually employed by Isaac Newton. Merton's description of the *mise-en-scène* is impeccable from a sociological viewpoint. But what psychic forces were at play when the phrase popped forth from the recesses of Newton's immense brain?

In the past, students of Newton's life and work (including this reviewer) have seen in the letter a half-attempt to be conciliatory to Hooke in their first priority dispute, or evidence of Newton's belief in the idea of progress, or proof that he was a modest man. If we analyze this letter about the theory of colors more closely, we can divide the statement on the giants, his predecessors, into three parts. (1) "What Des-Cartes did was a good step"—dithyrambic praise indeed. (2) Then he turns to Hooke: "You have added much several ways, & especially in taking ye colours of thin plates into philosophical consideration"—another Periclean eulogy! (3) Finally, the whole tone changes and Newton writes: "If I have seen further it is by standing on ye sholders of Giants." Who, then, are the giants? Descartes was dead, and though Newton attacked him on more than one occasion, he was not an antagonist and a living threat. The only giant in Newton's life who counts at this moment is Hooke; and hidden beneath a veneer of compliment to Hooke there is a poisonous insult. Hooke's contemporary biographer Waller has described him as follows: "As to his Person he was despicable, being very crooked." Newton omits the word *dwarf* from his letter; it is only implied. It would clearly have been impossible for anybody to stand on the shoulders of crooked Hooke. Thus, when Newton called him a giant, he was wounding him in the same way that one derides a fat man by calling him "skinny"—particularly since Hooke and most other literate contemporaries knew the image. On one psychic level, Newton is saying that *he* is the giant and Hooke the dwarf.

All of which is a post-Shandean postscript to Merton's delightful book. Even when he jokes we must take him seriously. *En passant*, we might now further inquire why, apart from his interest in the explicit sociological problem of scientific priorities, which he has brilliantly illumi-

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nated, Merton was prompted to write this baroque and entertaining excursus on giants and dwarfs.

FRANK E. MANUEL
New York University

The City Planning Process: A Political Analysis *by Alan A. Altshuler. Ithaca, Cornell University Press, 1966.—ix, 466 pp. $8.50.*

Never has a book come to my attention which so admirably covers the theory and practice of city planning as Professor Altshuler's. While it emphasizes the political analysis of planning concepts, it includes a consideration of the innumerable physical, economic, and social problems that usually precede the presentation of a plan to public and political exposure. The author selected St. Paul and Minneapolis as his "example" cities, and then proceeded to evaluate some important planning projects which have vitally influenced the Twin Cities area.

Part One covers the four projects which serve to illustrate the vast and complicated network of city planning elements. These examples are: the Intercity Freeway, a land-use plan for St. Paul, the Ancker Hospital site controversy, and a plan for central Minneapolis. According to the author they were intended to emphasize the emergence and resolution of choice problems, rather than for their story value. Their consistent object is to isolate and analyze fundamental obstacles to rational land-use planning in American cities, the kinds of obstacles that show up most clearly when base and trivial motives are eliminated, and when able men seek honest answers to urgent and puzzling questions.

Though the public in general may have some concept of planning elements in the establishment of a highway or the development of a land-use plan for an urban area, as a rule there is little realization of the planning process in determining an appropriate site for a large hospital. What complicates the problem is that the various participants in the melee may have some reasons for their position which they do not wish to announce or discuss publicly; they are primarily interested in pressing those points which they feel may have greater impact on the decision-makers.

What starts the planning of a development? In the case of the Ancker Hospital, it was a finding by a state fire marshal that the existing facility constituted a fire hazard. In this connection the structure was recognized as outmoded and uneconomical twelve years earlier. After the marshal's

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findings were submitted, a management consultant was retained and a report issued. In response to this action, hospital staff induced the county medical society to go beyond the report and suggest another location; then a group of influential men began pressing the city for a medical center; then a citizens committee for a medical center was formed by the Mayor; legislative authority had to be secured and a nine-man commission was formed to evaluate everything that had been done. The State Housing and Redevelopment Bureau then became involved and more hearings were held; the city planning director was asked to intervene; religious issues arose; the advantages and disadvantages of various sites were evaluated on a scoreboard basis. And finally, many years later, a decision was reached by the council on a five-to-one vote.

The type of problem, political and otherwise, which arose in Minneapolis and St. Paul is quite similar to the general run of problems that come to the surface in almost all urban centers. And, as Professor Altshuler states, the planner must not feel responsible for creating a proposal of his own; his primary responsibility is to elicit alternative courses of action after he presents the facts. And in processing planning proposals he must always realize that planning should not be confined to physical considerations only; the planner's objective is to improve the total quality of urban living. The author emphasizes the fact that as city planners improve our urban setting and guide us in the direction of better communities, they will improve in their techniques. He has an acute awareness of some of the planning elements which are too often overlooked and bypassed by some planners who stress physical and technical goals.

In his analysis of well balanced needs and his understanding of community action, Professor Altshuler offers valuable advice. All planners, sophisticates as well as neophytes, indeed, anyone who has a major or incidental interest in improving our urban needs should read this outstanding book.

JAMES FELT
New York City

Lawyers' Ethics: A Survey of the New York City Bar *by Jerome E. Carlin. New York, The Russell Sage Foundation, 1966.—xxix, 267 pp. $6.75.*

Professor Jerome E. Carlin, a sociologist-lawyer, has conducted a survey concerning the ethical behavior of members of the legal profession based

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upon questionnaires and interviews conducted with approximately eight hundred lawyers in private practice in New York City. The conclusion is reached that there is a wide discrepancy between ethical standards that the Bar acknowledges is binding on them, and the conduct and standards that they observe. These conclusions are based primarily on questionnaires setting forth a variety of conflicts. A number of the questions submitted relate to conduct which society generally would consider immoral and unethical, such as bribery, conversion, and fraud. Other questions dealt with professional problems and the violation of the canons of legal ethics.

Based on the submitted answers, the author concludes that violations of ethical codes are directly related to the type of practice in which an attorney is engaged, the nature of the attorney's clientele, and the courts and agencies of government with which he deals. The point is made that the highly stratified social structure of the Bar provides the key to understanding differences in ethical behavior of attorneys. The lower the economic, intellectual, and social status of the lawyer's clientele, the more insecure his practice, the more an attorney appears to violate the basic standards of ethical conduct. The conclusion is drawn that a single practitioner or small firm representing clients in the lower courts and agencies concerning matters such as injuries, claims, and real estate transactions, generally handles the so-called legal "dirty work." The elite lawyers in the large established law firms are insulated from the influences which cause those in the lower positions to violate ethical norms. Another conclusion is that the formal disciplinary measures, such as censure and disbarment, are ineffectual and insufficient.

Professor Carlin suggests that basic reforms in the organization of legal practice are required to improve the ethical behavior of attorneys. He recommends a major reorganization of the lower courts and agencies to ensure their independence from political and other pressures. He also suggests that measures akin to prepaid insurance for legal services, government subsidies, and group practice would make legal services more widely available and help relieve the economic insecurity which leads to unethical conduct.

Although a number of the conclusions would appear to have validity, the study condemns the entire legal profession and its institutions on statistical data from a mere eight hundred questionnaires and interviews, selected out of twenty-six thousand lawyers in the First Judicial Department. It is misleading to conclude from this limited sample that the findings are indicative of the situation in the Bar generally.

The author has failed adequately to discuss the interests which mold the moral and ethical character of an attorney prior to his admission to

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the Bar, nor in his discussion to reform the legal profession is there any comment concerning the law schools in improving the moral conduct of the legal profession. Moreover, no suggestion is made for an integrated Bar which could effectively end the isolation of the elite attorney from the rank and file members of the Bar and effectively enforce a meaningful code of ethical conduct.

In any event, Professor Carlin has performed a significant service to the legal profession by attracting the organized Bar's attention once again to the area of legal ethics and reform.

EMILE ZOLA BERMAN
New York City

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Book Notes

The case of John Rae, the economist, is more common in the social than in the physical sciences, for he was largely neglected in his lifetime but eventually proved to be a pioneer in the modern developments of his science. His fame rests on his *Statement of Some New Principles on the Subject of Political Economy Exposing the Fallacies of the System of Free Trade, and Some Other Doctrines Maintained in the "Wealth of Nations"* (1834). This broad-gauged systematic analysis of the forces behind capital formation for developing economy began to attract considerable attention only when C. W. Mixter brought out his rearranged edition under the title *The Sociological Theory of Capital* in 1905. The new title was more indicative of the character of the work, but the rearrangement tended to emphasize simply Rae's contribution to the theory of interest and to obscure the full importance of Rae's treatise for the study of economic development. In 1964, a reprint of the original was published by Augustus M. Kelley, and now is also reprinted as Volume II of the handsome two-volume *John Rae: Political Economist*, edited by R. Warren James (Toronto, University of Toronto Press, 1965; Vol. I: xi, 487 pp.; Vol. II: xx, 419 pp.; $18.00 the set). Volume I consists of a very useful, detailed biography of Rae, his extant correspondence, and a selection of published articles ranging from economics and politics to education and linguistics.

As the editor states in the biographical section, Rae wove into his treatise many modern points, including a discussion of "luxury and conspicuous consumption." The editor calls attention to Thorstein Veblen's use of the latter concept. However, he accepts the erroneous view that "Veblen knew of Rae's work but does not cite it." Interestingly, Veblen referred to Rae's work in his article, "Fisher's Rate of Interest," in the POLITICAL SCIENCE QUARTERLY for June 1909. The editor is especially to be commended

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for the collection of Rae's essays, which bear not only on basic economic issues but also on the political and religious controversies of the first half of the nineteenth century in Canada.—JOSEPH DORFMAN, *Columbia University.*

A richly detailed study of the contest over the 1940 Democratic presidential nomination—*Private Plans and Public Dangers: The Story of FDR's Third Nomination* (Notre Dame, Indiana, University of Notre Dame Press, 1966; x, 256 pp., $6.50) by Bernard F. Donahoe, with a foreword by James A. Farley—is stronger on exposition than analysis. Brother Donahoe, master of novices in the Congregation of Brothers of the Holy Cross, examines carefully the events that generated the movement to draft Franklin D. Roosevelt for a third term and the rival candidacies of such men as John Garner, Cordell Hull, Burton Wheeler, and the now nearly forgotten Paul McNutt. Although he reveals an animus toward the New Dealers in his opening chapters, most of his account is dispassionate and he is objective, in particular, in his treatment of Mr. Farley. The book has two weaknesses: its unfamiliarity with the literature of political science and of such techniques as roll-call analysis, and its failure to cope adequately with the question of Roosevelt's motivations. Since the author does not give enough attention to the crucial question of why Roosevelt decided to run, he tends to underestimate the importance of World War II in determining the outcome of his narrative. Despite these shortcomings, the book is a highly competent account of the battle not merely for the nomination but for control of the party. Most of the story is here, and it is so well told that it will not have to be told again.—WILLIAM E. LEUCHTENBURG, *Columbia University.*

As its subtitle indicates, this book by a scholar who has spent his long lifetime as a professor of economics in Germany and in the United States —*On the Sociology of Knowledge: An Essay* (New York, James H. Heineman, 1965; 152 pp., $4.95) by Hans Neisser—is apparently an excursion into a quite different specialized field. It is the result of a long-continued avocation and of some special access to the works of Karl Mannheim, though Neisser does not concur, he says, in the "surprisingly favorable" view of Mannheim's achievement in the sociology of knowledge. The book contains many interesting analyses, some questionable statements, nothing in very much depth, and occasionally some out-of-

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date references. Among the many large topics dealt with perhaps too briefly in 150 pages are the following: the autonomy of the human mind, industrial capitalism and religion, the rise of experimental science, Mannheim's sociology of historical-ideological knowledge, the procedural rules of nonexperimental science, economics as a social science, the model in system sociology, political sociology, experiment in social science, explanatory law and causality, how is historiography possible?, comparative history, "creativity," and the materialistic conception of history. The sections on economics as a social science, where the author combines the best of the English-American and the German traditions, and on the methodology of the social sciences, especially his discussion of the nature and use of models, were particularly rewarding to me. Although this book cannot be urged as required reading, it is an essay that contains numerous subjects and conclusions of interest to all social scientists, some of whom will want at least to dip into, or peruse thoroughly, an essay of a kind many of them might have been tempted to try for themselves.—BERNARD BARBER, *Barnard College*.

Zambia by Richard Hall (New York, Frederick A. Praeger, 1966; viii, 357 pp., $8.50) is a good introduction to Zambia. Its plan is chronological and the different periods of Zambian history are well balanced even though more detail is given to recent history. As a sort of appendix, two final chapters deal with economic history, whilst a number of appendices give tabulated general information. The only weaknesses in the outline are that no chapter was devoted to the cultures of Africa around 1900 (pp. 96-100 are a poor substitute) and that it has been impossible to keep general and economic history really separate. Thus "Land and Labour" appears in the general part (pp. 126-34). Maybe some skillful weaving might have blended the data better. As it stands, the book will appeal to the general reader, historians, economists, and political scientists alike, but not to anthropologists. It is written as a good story, clear and with suspense, yet it is not a superficial job. Most of the data are well founded and well handled, a tribute not only to the author but to the amount of good scholarship which has already been done on Zambia. The major weaknesses in content are in the naive handling of ethnographic concepts and processes, migration, conquest, and even witchcraft; throughout, the reader may notice the complete absence of data about religion and religious change through missions, messianic movements, and witch-finding cults, which have played a very important role since the nineteen-twenties in changing the value systems of most people. In general the strength of the work is

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that the story is coherent, handling evidence as part of an unfolding chain of events, stopping briefly only here and there to state a usually incisive and penetrating insight. But the story never runs away with history. It is kept at the service of the past, and Mr. Hall is to be congratulated for a survey so thoroughly documented, yet so much of a spellbinder.—JAN VANSINA, *University of Wisconsin.*

A friend of mine who visited Berlin during the summer of 1966 reports that he heard groups of *American* students, as they saw the Wall for the first time, ask: "What is this wall? Who built it? Why?" That such questions are still being asked gives a particular timeliness to Dr. John W. Keller's *Germany, The Wall and Berlin: Internal Politics During an International Crisis* (New York, Vantage Press, 1964; 437 pp., $4.95). Dr. Keller, who is professor of international relations at California State College in Pennsylvania, emphasizes German internal politics during a period of international crisis from August 1961 to the spring of 1963; but he sets months of crisis clearly against the somber background of the decisions taken during World War II. He does not indulge in second-guessing about those decisions, but he explains the reasoning out of which the answers to momentous questions were developed. His appraisals of men and events are judiciously drawn from reports of debates in both houses of the German parliament, from interviews with leading German politicians, and from a wide reading of European journals and newspapers. In spite of sharply divergent opinions within the German political parties and in the various nations about the "German problem," Dr. Keller manages to maintain a point of view that convinces the reader of his wisdom and his fairness. He obviously admires the work that Konrad Adenauer performed in guiding the German Federal Republic toward the status of a prosperous democracy. Dr. Keller does not try to read the future, but he believes that the Franco-German Treaty of 1963 does more than promote Franco-German friendship. It provides a firmer basis for European peace and unity than has existed previously in this century.—JOHN A. KROUT, *Heidelberg College.*

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